

## WATER RESOURCES DEVELOPMENT ACT OF 2005

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JUNE 24, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

### R E P O R T

[To accompany H.R. 2864]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2864) To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Development Act of 2005”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.  
Sec. 2. Definition of Secretary.

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Sec. 2007. Assistance for remediation, restoration, and reuse.  
 Sec. 2008. Compilation of laws.  
 Sec. 2009. Dredged material disposal.  
 Sec. 2010. Wetlands mitigation.  
 Sec. 2011. Remote and subsistence harbors.  
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 Sec. 2013. Cost-sharing provisions for certain areas.  
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#### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Army.

## TITLE I—WATER RESOURCES PROJECTS

### SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AKUTAN, ALASKA.—

(A) IN GENERAL.—The project for navigation, Akutan, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$19,700,000.

(B) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered a general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

(2) HAINES SMALL BOAT HARBOR, HAINES, ALASKA.—The project for navigation, Haines Small Boat Harbor, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total of \$12,200,000, with an estimated Federal cost of \$9,700,000 and an estimated non-Federal cost of \$2,500,000.

(3) TANQUE VERDE CREEK, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$4,978,000, with an estimated Federal cost of \$3,236,000 and an estimated non-Federal cost of \$1,742,000.

(4) VA SHILY' AY AKIMEL, SALT RIVER RESTORATION, ARIZONA.—The project for ecosystem restoration, Va Shily' Ay Akimel, Salt River, Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$138,968,000, with an estimated Federal cost of \$90,129,000 and an estimated non-Federal cost of \$48,839,000.

(5) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$50,600,000, with an estimated Federal cost of \$33,000,000 and estimated non-Federal cost of \$17,600,000.

(6) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers, dated December 30, 2003, at a total cost of \$11,862,000, with an estimated Federal cost of \$7,592,000 and an estimated non-Federal cost of \$4,270,000, and at an estimated total cost of \$38,004,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$19,002,000 and an estimated non-Federal cost of \$19,002,000.

(7) MATILJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilja Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$130,335,000, with an estimated Federal cost of \$78,973,000 and an estimated non-Federal cost of \$51,362,000.

(8) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for ecosystem restoration and flood damage reduction, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$41,793,000, with an estimated Federal cost of \$27,256,000 and an estimated non-Federal cost of \$14,537,000.

(9) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, Nap River, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$100,500,000, with an estimated Federal cost of \$64,000,000 and an estimated non-Federal cost of \$36,500,000.

(B) PROJECT FEATURES.—In carrying out the project, the Secretary shall include construction of a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant as part of the project and restoration and enhancement of Salt Ponds 1, 1A, 2, and 3.

(10) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers, dated May 16, 2003, at a total cost of \$18,824,000, with an estimated Federal cost of \$12,236,000 and an estimated non-Federal cost of \$6,588,000.

(11) MIAMI HARBOR, MIAMI-DADE COUNTY, FLORIDA.—

(A) IN GENERAL.—The project for navigation, Miami Harbor, Miami-Dade County, Florida: Report of the Chief of Engineers dated April 25, 2005, at

a total cost of \$121,127,000, with an estimated Federal cost of \$64,843,000 and an estimated non-Federal cost of \$56,284,000.

(B) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers referred to in subparagraph (A) shall be the same percentage as the non-Federal share of cost of construction of the project.

(C) AGREEMENT.—The Secretary shall enter into a new partnership with the non-Federal interest to reflect the cost sharing required by subparagraph (B).

(12) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration, East St. Louis and vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$191,158,000, with an estimated Federal cost of \$123,807,000 and an estimated non-Federal cost of \$67,351,000.

(13) PEORIA RIVERFRONT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers, dated July 28, 2003, at a total cost of \$16,000,000, with an estimated Federal cost of \$10,400,000 and an estimated non-Federal cost of \$5,600,000.

(14) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$9,000,000. The costs of construction of the project shall be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(15) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers, dated August 23, 2002, and July 22, 2003, at a total cost of \$788,000,000 with an estimated Federal cost of \$512,200,000 and an estimated non-Federal cost of \$275,800,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(16) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers, dated December 30, 2003, at a total cost of \$15,683,000, with an estimated Federal cost of \$10,194,000 and an estimated non-Federal cost of \$5,489,000.

(17) MANASQUAN TO BARNEGAT INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlet, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$65,800,000, with an estimated Federal cost of \$42,800,000 and an estimated non-Federal cost of \$23,000,000, and at an estimated total cost of \$108,000,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$54,000,000 and an estimated non-Federal cost of \$54,000,000.

(18) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, New Jersey: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$112,623,000, with an estimated Federal cost of \$73,205,000 and an estimated non-Federal cost of \$39,418,000.

(19) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$19,494,000, with an estimated Federal cost of \$12,671,000 and an estimated non-Federal cost of \$6,823,000.

(20) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation and environmental restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of \$172,940,000, with an estimated Federal cost of \$80,086,000 and an estimated non-Federal cost of \$92,823,000.

(21) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers, dated April 16, 2004, at a total cost of \$13,104,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(22) MATAGORDA BAY, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Re-

port of the Chief of Engineers, dated December 24, 2002, at a total cost of \$15,960,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(23) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—

(A) IN GENERAL.—The project for environmental restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of \$25,200,000, with an estimated Federal cost of \$10,400,000 and an estimated non-Federal cost of \$14,800,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the Beach Street Dam and associated features by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(24) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a Federal cost of \$35,573,000.

(25) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—

(A) IN GENERAL.—The project for flood damage reduction, Chehalis River, Centralia, Washington: Report of the Chief of Engineers dated September 27, 2004, at a total cost of \$109,850,000, with an estimated Federal cost of \$66,425,000 and an estimated non-Federal cost of \$43,425,000.

(B) CREDIT.—The Secretary shall—

(i) credit up to \$6,500,000 toward the non-Federal share of the cost of the project for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan dated November 28, 1999; and

(ii) credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(C) ADDITIONAL FLOOD STORAGE AT SKOOKUMCHUCK DAM.—The Secretary shall integrate into the project the locally preferred plan to provide an additional 9,000 acre-feet of storage capacity at Skookumchuck Dam, Washington, upon a determination by the Secretary that providing such additional storage capacity is feasible.

#### SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) HALEYVILLE, ALABAMA.—Project for flood damage reduction, Haleyville, Alabama.

(2) WEISS LAKE, ALABAMA.—Project for flood damage reduction, Weiss Lake, Alabama.

(3) CHINO VALLEY WASH, ARIZONA.—Project for flood damage reduction, Chino Valley Wash, Arizona.

(4) LITTLE COLORADO RIVER LEVEE, ARIZONA.—Project for flood damage reduction, Little Colorado River Levee, Arizona.

(5) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(6) BARREL SPRINGS WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Barrel Springs Wash, Palmdale, California.

(7) BORREGO SPRINGS, CALIFORNIA.—Project for flood damage reduction, Borrego Springs, California.

(8) COLTON, CALIFORNIA.—Project for flood damage reduction, Colton, California.

(9) DUNLAP STREAM, SAN BERNARDINO, CALIFORNIA.—Project for flood damage reduction, Dunlap Stream, San Bernardino, California.

(10) HUNTS CANYON WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Hunts Canyon Wash, Palmdale, California.

(11) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Wildwood Creek, Yucaipa, California.

(12) UTICA AND VICINITY, ILLINOIS.—Project for flood damage reduction, Utica and vicinity, Illinois.

(13) DES MOINES AND RACCOON RIVERS, IOWA.—Project for flood damage reduction, Des Moines and Raccoon Rivers, Iowa.

- (14) PEABODY, MASSACHUSETTS.—Project for flood damage reduction, Peabody, Massachusetts.
  - (15) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.
  - (16) CASS RIVER, MICHIGAN.—Project for flood damage reduction, Cass River, Vassar and vicinity, Michigan.
  - (17) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.
  - (18) ITASCA COUNTY, MINNESOTA.—Project for flood damage reduction, Trout Lake and Canisteo Pit, Itasca County, Minnesota.
  - (19) MARSH CREEK, MINNESOTA.—Project for flood damage reduction, Marsh Creek, Minnesota.
  - (20) ROSEAU RIVER, ROSEAU, MINNESOTA.—Project for flood damage reduction, Roseau River, Roseau, Minnesota.
  - (21) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.
  - (22) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.
  - (23) CANNISTEO RIVER, ADDISON, NEW YORK.—Project for flood damage reduction, Cannisteco River, Addison, New York.
  - (24) COHOCTON RIVER, CAMPBELL, NEW YORK.—Project for flood damage reduction, Cohocton River, Campbell, New York.
  - (25) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.
  - (26) EAST VALLEY CREEK, ANDOVER, NEW YORK.—Project for flood damage reduction, East Valley Creek, Andover, New York.
  - (27) SUNNYSIDE BROOK, WESTCHESTER COUNTY, NEW YORK.—Project for flood damage reduction, Sunnyside Brook, Westchester County, New York.
  - (28) LITTLE YANKEE RUN, OHIO.—Project for flood damage reduction, Little Yankee Run, Ohio.
  - (29) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.
  - (30) SOUTHAMPTON CREEK WATERSHED, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Southampton Creek watershed, Southampton, Pennsylvania.
  - (31) SPRING CREEK, LOWER MACUNGIE TOWNSHIP, PENNSYLVANIA.—Project for flood damage reduction, Spring Creek, Lower Macungie Township, Pennsylvania.
  - (32) YARDLEY AQUEDUCT, SILVER AND BROCK CREEKS, YARDLEY, PENNSYLVANIA.—Project for flood damage reduction, Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania.
  - (33) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.
  - (34) CONGELOSI DITCH, MISSOURI CITY, TEXAS.—Project for flood damage reduction, Congelosi Ditch, Missouri City, Texas.
  - (35) DILLEY, TEXAS.—Project for flood damage reduction, Dilley, Texas.
- (b) SPECIAL RULES.—
- (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—The Secretary may proceed with the project for the Cache River Basin, Grubbs, Arkansas, referred to in subsection (a)(5), notwithstanding that the project is located within the boundaries of the flood control project, Cache River Basin, Arkansas and Missouri, authorized by section 204 of the Flood Control Act of 1950, (64 Stat. 172) and modified by section 99 of the Water Resources Development Act of 1974 (88 Stat. 41).
  - (2) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—The Secretary shall review the locally prepared plan for the project for flood damage, Wildwood Creek, California, referred to in subsection (a)(11) and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.
  - (3) BORUP, MINNESOTA.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(21) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184)

to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(4) ITASCA COUNTY, MINNESOTA.—In carrying out the project for flood damage reduction, Itasca County, Minnesota, referred to in subsection (a)(18) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project.

(5) DILLEY, TEXAS.—The Secretary shall carry out the project for flood damage reduction, Dilley, Texas, referred to in subsection (a)(35) if the Secretary determines that the project is feasible.

**SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) OUACHITA AND BLACK RIVERS, ARKANSAS AND LOUISIANA.—Projects for emergency streambank protection, Ouachita and Black Rivers, Arkansas and Louisiana.

(2) FRANKLIN POINT PARK, ANNE ARUNDEL COUNTY, MARYLAND.—Project for emergency streambank protection, Franklin Point Park, Anne Arundel County, Maryland.

(3) MAYO BEACH PARK, ANNE ARUNDEL COUNTY, MARYLAND.—Project for emergency streambank protection, Mayo Beach Park, Anne Arundel County, Maryland.

(4) PINEY POINT LIGHTHOUSE, ST. MARY'S COUNTY, MARYLAND.—Project for emergency streambank protection, Piney Point Lighthouse, St. Mary's County, Maryland.

(5) ST. JOSEPH HARBOR, MICHIGAN.—Project for emergency streambank protection, St. Joseph Harbor, Michigan.

(6) PUG HOLE LAKE, MINNESOTA.—Project for emergency streambank protection, Pug Hole Lake, Minnesota.

(7) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(8) PLATTE RIVER, PLATTE CITY, MISSOURI.—Project for emergency streambank protection, Platte River, Platte City, Missouri.

(9) RUSH CREEK, PARKVILLE, MISSOURI.—Project for emergency streambank protection, Rush Creek, Parkville, Missouri, including measures to address degradation of the creek bed.

(10) KEUKA LAKE, HAMMONDSPORT, NEW YORK.—Project for emergency streambank protection, Keuka Lake, Hammondsport, New York.

(11) KOWAWESE UNIQUE AREA AND HUDSON RIVER, NEW WINDSOR, NEW YORK.—Project for emergency streambank protection, Kowawese Unique Area and Hudson River, New Windsor, New York.

(12) HOWARD ROAD OUTFALL, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Howard Road outfall, Shelby County, Tennessee.

(13) MITCH FARM DITCH AND LATERAL D, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Mitch Farm Ditch and Lateral D, Shelby County, Tennessee.

(14) WOLF RIVER TRIBUTARIES, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Wolf River tributaries, Shelby County, Tennessee.

(15) JOHNSON CREEK, ARLINGTON, TEXAS.—Project for emergency streambank protection, Johnson Creek, Arlington, Texas.

(16) WELLS RIVER, NEWBURY, VERMONT.—Project for emergency streambank protection, Wells River, Newbury, Vermont.

**SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—Project for navigation, Blytheville County Harbor, Arkansas.

(2) MAHUKONA BEACH PARK, HAWAII.—Project for navigation, Mahukona Beach Park, Hawaii.

(3) NORTH KOHALA HARBOR, HAWAII.—Project for navigation, North Kohala Harbor in the vicinity of Kailua Kona, Hawaii.

(4) WAILOA SMALL BOAT HARBOR, HAWAII.—Project for navigation, Wailoa Small Boat Harbor, Hawaii.

(5) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(6) PORT TOBACCO RIVER AND GOOSE CREEK, MARYLAND.—Project for navigation, Port Tobacco River and Goose Creek, Maryland.

(7) ST. JEROME CREEK, ST. MARY'S COUNTY, MARYLAND.—Project for navigation, St. Jerome Creek, St. Mary's County, Maryland.

(8) EAST BASIN, CAPE COD CANAL, SANDWICH, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(9) LYNN HARBOR, LYNN, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(10) MERRIMACK RIVER, HAVERHILL, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(11) OAK BLUFFS HARBOR, OAK BLUFFS, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(12) WOODS HOLE GREAT HARBOR, FALMOUTH, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(13) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(14) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City Harbor, Traverse City, Michigan.

(b) SPECIAL RULES.—

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—The Secretary shall carry out the project for navigation, Blytheville County Harbor, Arkansas, referred to in subsection (a)(1) if the Secretary determines that the project is feasible.

(2) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—The Secretary shall review the locally prepared plan for the project for navigation, Traverse City Harbor, Michigan, referred to in subsection (a)(14), and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a):

(1) BALLONA CREEK, LOS ANGELES COUNTY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Creek, Los Angeles County, California.

(2) BALLONA LAGOON TIDE GATES, MARINA DEL REY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Lagoon Tide Gates, Marina Del Rey, California.

(3) RATHBUN LAKE, IOWA.—Project for improvement of the quality of the environment, Rathbun Lake, Iowa.

(4) SMITHVILLE LAKE, MISSOURI.—Project for improvement of the quality of the environment, Smithville Lake, Missouri.

(5) DELAWARE BAY, NEW JERSEY AND DELAWARE.—Project for improvement of the quality of the environment, Delaware Bay, New Jersey and Delaware, for the purpose of oyster restoration.

(6) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—Project for improvement of the quality of the environment, Tioga-Hammond Lakes, Pennsylvania.

**SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) CYPRESS CREEK, MONTGOMERY, ALABAMA.—Project for aquatic ecosystem restoration, Cypress Creek, Montgomery, Alabama.

(2) BEN LOMOND DAM, SANTA CRUZ, CALIFORNIA.—Project for aquatic ecosystem restoration, Ben Lomond Dam, Santa Cruz, California.

(3) DOCKWEILER BLUFFS, LOS ANGELES COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Dockweiler Bluffs, Los Angeles County, California.

(4) SALT RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Salt River, California.

(5) SANTA ROSA CREEK, SANTA ROSA, CALIFORNIA.—Project for aquatic ecosystem restoration, Santa Rosa Creek in the vicinity of the Prince Memorial Greenway, Santa Rosa, California.

(6) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.

(7) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address invasive aquatic plant species.

(8) BAYOU TEXAR, PENSACOLA, FLORIDA.—Project for aquatic ecosystem restoration, Bayou Texar, Pensacola, Florida.

(9) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(10) CLAM BAYOU AND DINKINS BAYOU, SANIBEL ISLAND, FLORIDA.—Project for aquatic ecosystem restoration, Clam Bayou and Dinkins Bayou, Sanibel Island, Florida.

(11) DESTIN HARBOR, FLORIDA.—Project for aquatic ecosystem restoration, Destin Harbor, Florida.

(12) CHATTAHOOCHEE FALL LINE, GEORGIA AND ALABAMA.—Project for aquatic ecosystem restoration, Chattahoochee Fall Line, Georgia and Alabama.

(13) LONGWOOD COVE, GAINESVILLE, GEORGIA.—Project for aquatic ecosystem restoration, Longwood Cove, Gainesville, Georgia.

(14) CITY PARK, UNIVERSITY LAKES, LOUISIANA.—Project for aquatic ecosystem restoration, City Park, University Lakes, Louisiana.

(15) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(16) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(17) KALAMAZOO RIVER WATERSHED, BATTLE CREEK, MICHIGAN.—Project for aquatic ecosystem restoration, Kalamazoo River watershed, Battle Creek, Michigan.

(18) RUSH LAKE, MINNESOTA.—Project for aquatic ecosystem restoration, Rush Lake, Minnesota.

(19) SOUTH FORK OF THE CROW RIVER, HUTCHINSON, MINNESOTA.—Project for aquatic ecosystem restoration, South Fork of the Crow River, Hutchinson, Minnesota.

(20) ST. LOUIS COUNTY, MISSOURI.—Project for aquatic ecosystem restoration, St. Louis County, Missouri.

(21) TRUCKEE RIVER, RENO, NEVADA.—Project for aquatic ecosystem restoration, Truckee River, Reno, Nevada, including features for fish passage.

(22) GROVER'S MILL POND, NEW JERSEY.—Project for aquatic ecosystem restoration, Grover's Mill Pond, New Jersey.

(23) DUGWAY CREEK, BRATENAH, OHIO.—Project for aquatic ecosystem restoration, Dugway Creek, Bratenahl, Ohio.

(24) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(25) BEAVER CREEK, BEAVER AND SALEM, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Beaver Creek, Beaver and Salem, Pennsylvania.

(26) CEMENTON DAM, LEHIGH RIVER, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Cementon Dam, Lehigh River, Pennsylvania.

(27) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(28) SAUCON CREEK, NORTHAMPTON COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Saucon Creek, Northampton County, Pennsylvania.

(29) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(30) WILSON BRANCH, CHERAW, SOUTH CAROLINA.—Project for aquatic ecosystem restoration, Wilson Branch, Cheraw, South Carolina.

(31) WHITE RIVER, BETHEL, VERMONT.—Project for aquatic ecosystem restoration, White River, Bethel, Vermont.

#### SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g):

(1) NELSON LAGOON, ALASKA.—Project for shoreline protection, Nelson Lagoon, Alaska.

(2) SANIBEL ISLAND, FLORIDA.—Project for shoreline protection, Sanibel Island, Florida.

(3) APRA HARBOR, GUAM.—Project for shoreline protection, Apra Harbor, Guam.

(4) PITI, CABRAS ISLAND, GUAM.—Project for shoreline protection, Piti, Cabras Island, Guam.

(5) NARROWS AND GRAVESEND BAY, UPPER NEW YORK BAY, BROOKLYN, NEW YORK.—Project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Brooklyn, New York.

(6) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for shoreline protection, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(7) PORT ARANSAS, TEXAS.—Project for shoreline protection, Port Aransas, Texas.

**SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.**

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g): Project for removal of snags and clearing and straightening of channels for flood control, Kowawese Unique Area and Hudson River, New Windsor, New York.

## **TITLE II—GENERAL PROVISIONS**

**SEC. 2001. NON-FEDERAL CONTRIBUTIONS.**

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

“(n) NON-FEDERAL CONTRIBUTIONS.—

“(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary’s authority under section 903(c) of this Act.”.

**SEC. 2002. HARBOR COST SHARING.**

(a) PAYMENTS DURING CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each of subparagraphs (B) and (C) by striking “45 feet” and inserting “53 feet”.

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended by striking “45 feet” and inserting “53 feet”.

(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended in each of paragraphs (1) and (3) by striking “45 feet” and inserting “53 feet”.

(d) APPLICABILITY.—The amendments made by subsections (a), (b), and (c) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before October 1, 2003.

(e) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise any partnership agreement entered into after October 1, 2003, for any project to which the amendments made by subsections (a), (b), and (c) apply to take into account the change in non-Federal participation in the project as a result of such amendments.

**SEC. 2003. FUNDING TO PROCESS PERMITS.**

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836) is amended—

(1) in subsection (a) by striking “In fiscal years 2001 through 2005, the” and inserting “The”; and

(2) by adding at the end the following:

“(c) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2007.”.

**SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.**

(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned prop-

erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking “6 years” and inserting “10 years”.

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years” and inserting “6 years”.

(c) COST SHARING; REMOVAL OF PROJECTS.—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) COST SHARING.—The Secretary may enter into a cost sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.

“(4) REMOVAL OF PROJECTS.—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking “\$21,000,000” and inserting “\$31,000,000”.

#### SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.

Section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g), is amended by striking “\$3,000,000” and inserting “\$5,000,000”.

#### SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) in subsection (a)—

(A) by striking “under the provisions” and all that follows through “under any other” and inserting “under any”;

(B) by striking “to furnish its required cooperation for” and inserting “under which each party agrees to carry out its responsibilities and requirements for implementation or construction of”; and

(C) by inserting after “\$25,000.” the following: “Such agreement may include a provision for damages in the event of a failure of one or more parties to perform.”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) LIMITATION.—Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that an agreement under this section meets all requirements of law and policies of the Secretary in effect on the date of entry into the agreement.”.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) by striking “shall” the first place it appears and inserting “may”; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after “injunction, for” the following: “payment of damages or, for”;

(B) by striking “to collect a civil penalty imposed under this section.”; and

(C) by striking “any civil penalty imposed under this section,” and inserting “any damages.”.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) only apply to partnership agreements entered into after the date of enactment of this Act; except that at the request of a non-Federal interest for a project, the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(d) PARTNERSHIP AND COOPERATIVE ARRANGEMENTS.—

(1) IN GENERAL.—A goal of agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) shall be to further partnership and cooperative arrangements, and the agreements shall be referred to as “partnership agreements”.

(2) REFERENCES TO COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agree-

ment or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(3) REFERENCES TO PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than this section) shall be considered as a reference to a cooperation agreement or a project cooperation agreement, respectively.

(e) DELEGATION OF AUTHORITY.—Not later than September 30, 2006, the Secretary shall issue policies and guidelines for partnership agreements that delegate to the district engineers, at a minimum—

(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law, or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources development project;

(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

(4) the authority to sign any partnership agreement for any water resources development project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every year thereafter, the Secretary shall submit to Congress a report detailing the following:

(1) the number of partnership agreements signed by district engineers and the number of partnership agreements signed by the Secretary, and

(2) for any partnership agreement signed by the Secretary, an explanation of why delegation to the district engineer was not appropriate.

(g) PUBLIC AVAILABILITY.—Not later than the 120th day following the date of enactment of this Act, the Chief of Engineers shall ensure that each district engineer has made available on the Internet all partnership agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) within the preceding 10 years and all partnership agreements for water resources development projects currently being carried out in that district and shall make any partnership agreements entered into after such date of enactment available on the Internet within 7 days of the date on which such agreement is entered into.

#### **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.**

(a) IN GENERAL.—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the improvement of water quality or the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2006 through 2010.

#### **SEC. 2008. COMPILATION OF LAWS.**

Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 2006, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. Not later than December 1, 2006, the Secretary shall transmit at least 25 copies of each such volume to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate. The Secretary shall also ensure that such compilations are available through electronic means, including the Internet.

#### **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

“(c) GOVERNMENTAL PARTNERSHIPS.—

“(1) IN GENERAL.—The Secretary may enter into cost sharing agreements with one or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

“(2) PUBLIC FINANCING.—

“(A) AGREEMENTS.—

“(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

“(ii) MANAGEMENT OF SEDIMENTS.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

“(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

“(B) CREDIT.—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.”; and

(3) in each of subsections (d)(1) and (d)(2)(A), as so redesignated—

(A) by inserting “and maintenance” after “operation”; and

(B) by inserting “processing, treatment, or” after “dredged material” the first place it appears.

**SEC. 2010. WETLANDS MITIGATION.**

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

**SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

#### SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

“(c) IN GENERAL.—The Secretary may carry out projects to transport and place sediment obtained in connection with the construction, operation, or maintenance of an authorized water resources project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

“(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

“(e) SPECIAL RULE.—Construction of a project under subsection (a) for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed \$750,000 and which will be located in a disadvantaged community as determined by the Secretary, may be carried out at Federal expense.

“(f) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

“(g) SELECTION OF SEDIMENT DISPOSAL METHOD.—In developing and carrying out a water resources project involving the disposal of sediment, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsections (d) and (f).

“(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$30,000,000 annually for projects under this section of which not more than \$3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

“(j) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of sediment obtained in conjunction with the construction, operation, or maintenance of water resources projects, including potential beneficial uses of sediment for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

“(k) USE OF FUNDS.—

“(1) NON-FEDERAL INTEREST.—The non-Federal interest for a project described in this section may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of such project if such funds are authorized to be used to carry out such project.

“(2) OTHER FEDERAL AGENCIES.—The non-Federal share of the cost of construction of a project under this section may be met through contributions from a Federal agency made directly to the Secretary, with the consent of the affected local government, if such funds are authorized to be used to carry out such project. Before initiating a project to which this paragraph applies, the Secretary shall enter into an agreement with a non-Federal interest in which the non-Federal interest agrees to pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project.”.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) HOLD HARMLESS.—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) PRIORITY AREAS.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to the following:

- (1) A project at Little Rock Slackwater Harbor, Arkansas.
- (2) A project at Egmont Key, Florida.
- (3) A project in the vicinity of Calcasieu Ship Channel, Louisiana.
- (4) A project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.
- (5) A project in the vicinity of Morehead City, North Carolina.
- (6) A project in the vicinity of Galveston Bay, Texas.

**SEC. 2013. COST-SHARING PROVISIONS FOR CERTAIN AREAS.**

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

**“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN AREAS.**

“(a) IN GENERAL.—The Secretary shall waive local cost-sharing requirements up to \$500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community.

“(b) USE OF FUNDS.—The non-Federal interest for a study or project for an area described in subsection (a) may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of such study or project if such funds are authorized to be used to carry out such study or project.”.

**SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREEMENT.**

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary, the Secretary shall revise the project partnership agreement for the project to take into account the change in Federal participation in the project.

**SEC. 2015. COST SHARING.**

An increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary shall not affect any cost-sharing requirement applicable to the project under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

**SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.**

If the Secretary is authorized to credit toward the non-Federal share the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project and such work has not been carried out as of the date of enactment of this Act, the Secretary shall enter into an agreement with the non-

Federal interest for the project under which the non-Federal interest shall carry out such work, and the credit shall apply only to work carried out under the agreement.

**SEC. 2017. RECREATION USER FEE REVENUES.**

Section 225 of the Water Resources Development Act of 1999 (113 Stat. 297–298) is amended—

- (1) in subsection (a)(1)—
  - (A) by striking “During fiscal years 1999 through 2002, the” and inserting “The”; and
  - (B) by striking “\$34,000,000” and inserting “\$42,000,000”; and
- (2) in subsection (a)(3) by striking “September 30, 2005” and inserting “expended”.

**SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.**

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster and Emergency Relief Act (42 U.S.C. 5121 et seq.).

**SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

(a) **IN GENERAL.**—Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

- (1) in subsection (d)—
  - (A) by striking “and” at the end of paragraph (4);
  - (B) by striking the period at the end of paragraph (5) and inserting “; and”; and
  - (C) by adding at the end the following:
    - “(6) Tuscarawas River Basin, Ohio;
    - “(7) Sauk River Basin, Snohomish and Skagit Counties, Washington;
    - “(8) Niagara River Basin, New York; and
    - “(9) Genesee River Basin, New York.”;
- (2) by striking paragraph (1) of subsection (f) and inserting the following:
  - “(1) **NON-FEDERAL SHARE.**—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.”; and
  - (3) by striking subsection (g).

(b) **REVISION OF PARTNERSHIP AGREEMENT.**—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

**SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

(a) **SCOPE.**—Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after “Code” the following: “, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 203(e) of such Act is amended by striking “2006” and inserting “2010”.

**SEC. 2021. WILDFIRE FIREFIGHTING.**

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting “the Secretary of the Army,” after “the Secretary of Energy,”.

**SEC. 2022. CREDIT FOR NONCONSTRUCTION SERVICES.**

(a) **IN GENERAL.**—The Secretary is authorized to allow a non-Federal interest credit toward its share of project costs for any authorized water resources development project for the cost of materials and in-kind services, including design and management services but not including construction, provided by the non-Federal interest for carrying out the project.

(b) **LIMITATION.**—Credit authorized under subsection (a)—

- (1) shall not exceed the non-Federal share of project costs;
- (2) shall not alter any other requirements that require a non-Federal interest to provide lands, easements, rights-of-way, and dredged material disposal areas for the project;
- (3) shall not exceed the actual and reasonable costs of the materials or in-kind services provided by the non-Federal interest, as determined by the Secretary; and

(4) shall not be allowed unless the Secretary has determined that such materials or services are integral to the project.

**SEC. 2023. TECHNICAL ASSISTANCE.**

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a) by striking “The Secretary” and inserting the following:  
“(a) FEDERAL STATE COOPERATION.—

“(1) COMPREHENSIVE PLANS.—The Secretary”;

(2) by inserting after the last sentence in subsection (a) the following:

“(2) TECHNICAL ASSISTANCE.—

“(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

“(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.”;

(3) in subsection (b)(1) by striking “this section” each place it appears and inserting “subsection (a)(1)”;

(4) in subsection (b)(2) by striking “Up to 1/2 of the” and inserting “The”;

(5) in subsection (c) by striking “(c) There is” and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) FEDERAL AND STATE COOPERATION.—There is”;

(6) in subsection (c)(1) (as designated by paragraph (5))—

(A) by striking “the provisions of this section” and inserting “subsection (a)(1);”;

(B) by striking “\$500,000” and inserting “\$1,000,000”;

(7) by inserting at the end of subsection (c) the following:

“(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated \$5,000,000 annually to carry out subsection (a)(2), of which not more than \$2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.”;

(8) by redesignating subsection (d) as subsection (e); and

(9) by inserting after subsection (c) the following:

“(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—Concurrent with the President’s submission to Congress of the President’s request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.”.

**SEC. 2024. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.**

(a) NOTICE OF INTENT.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency,

as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) **CONTENTS OF AGREEMENT.**—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

(e) **REVISION OF AGREEMENT.**—The Secretary may revise an agreement entered into under subsection (c) with respect to a project once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency or Indian tribe that is a party to the agreement.

(f) **FINAL DECISION.**—Not later than the final day of a schedule established by an agreement entered into under subsection (c) with respect to a project, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(g) **REIMBURSEMENT.**—

(1) **COSTS OF COORDINATION.**—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(2) **COSTS INCURRED TO EXPEDITE PERMITS AND REVIEWS.**—

(A) **ACCEPTANCE OF NON-FEDERAL FUNDS.**—The Secretary may accept funds from the non-Federal interest to hire additional staff or obtain the services of consultants, or to provide financial, technical, and administrative support to agencies that have entered into an agreement with the Secretary under subsection (c) with respect to a project in order to facilitate the timely processing, review, and completion of applicable Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permits for the project.

(B) **USE OF FUNDS.**—Funds accepted under this paragraph shall be used to supplement existing resources of the Secretary or a participating agency.

(C) **ASSURANCE OF LEVEL OF SERVICE AND IMPARTIALITY.**—The Secretary shall ensure that the Department of the Army and any participating agency that accepts funds under this paragraph shall continue to provide the same level of service to other projects and other responsibilities not covered by this section as it would provide, notwithstanding any activities carried out under this section, and that acceptance of such funds will not impact impartial decisionmaking either substantively or procedurally.

(h) **REPORT ON TIMESAVINGS METHODS.**—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

#### **SEC. 2025. PROJECT STREAMLINING.**

(a) **POLICY.**—The benefits of water resources projects are important to the Nation's economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated and sequential environmental reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) **SCOPE.**—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) **WATER RESOURCES PROJECT REVIEW PROCESS.**—The Secretary shall develop and implement a coordinated review process for water resources projects.

(d) **COORDINATED REVIEWS.**—

(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for a water resources project will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (e) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

(f) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a water resources project within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal, State, and local government agencies and Indian tribes identified under subsection (e) with respect to the project and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

(i) PURPOSE AND NEED AND DETERMINATION OF REASONABLE ALTERNATIVES.—

(1) IN GENERAL.—As an official of the lead Federal agency that is responsible for carrying out a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and as the Federal agency with expertise in water resources development, the Secretary, in carrying out such study and process, shall—

(A) define the purpose and need for the proposed water resources project; and

(B) determine which alternatives are reasonable and may be reasonably anticipated to meet project purposes and needs.

(2) STREAMLINING STUDY.—To streamline a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary may eliminate from consideration any alternatives the Secretary determines are not reasonable or are not reasonably anticipated to meet project purposes and needs.

(j) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsection (i), the Secretary shall solicit, consider, and respond to comments from interested persons and governmental entities.

(k) CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for water resources projects.

(l) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

- (1) any practice of seeking public comment;
- (2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or
- (3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

(m) BENCHMARKS.—Within 12 months of the date of enactment of this Act, the Chief of Engineers shall establish benchmarks for determining the length of time it should take to conduct a feasibility study for a water resources development project and its associated review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). Benchmarks may be established for activities based on project type, size, cost, and complexity. The Chief of Engineers shall use such benchmarks as a management tool to make the feasibility study process more efficient in all districts of the Army Corps of Engineers.

#### SEC. 2026. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

- (1) by striking “and” at end of paragraph (18);
- (2) by striking the period at the end of paragraph (19) and inserting a semicolon; and
- (3) by adding at the end the following:
  - “(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;
  - “(21) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;
  - “(22) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;
  - “(23) Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;
  - “(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity; and
  - “(25) Lake Luxembourg, Pennsylvania.”.

#### SEC. 2027. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) MITIGATION PLAN CONTENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended by adding at the end the following:

“(3) CONTENTS.—A mitigation plan shall include—

“(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

“(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

“(C) the type, amount, and characteristics of the habitat being restored;

“(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

“(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring and, to the extent practicable, the entities responsible for any monitoring.

“(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.”.

(b) STATUS REPORT.—

(1) **IN GENERAL.**—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) **PROJECTS INCLUDED.**—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

**SEC. 2028. COOPERATIVE AGREEMENTS.**

(a) **IN GENERAL.**—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) **LIMITATIONS.**—

(1) **PER PROJECT LIMIT.**—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than \$1,000,000 for any single wetlands restoration project.

(2) **ANNUAL LIMIT.**—The total value of work carried out under cooperative agreements under this section may not exceed \$5,000,000 in any fiscal year.

**SEC. 2029. PROJECT PLANNING.**

(a) **OBJECTIVES.**—

(1) **FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.**—The Federal objective of any study of the feasibility of a water resources project carried out by the Secretary for flood damage reduction, navigation, or hurricane and storm damage reduction shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the Nation's environment.

(2) **ECOSYSTEM RESTORATION PROJECTS.**—The Federal objective of any study of the feasibility of a water resources project for ecosystem restoration carried out by the Secretary shall be to maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development.

(3) **PROJECTS WITH MULTIPLE PURPOSES.**—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated, based on the relevant Federal objective identified under paragraphs (1) and (2).

(4) **SELECTION OF PROJECT ALTERNATIVES.**—

(A) **IN GENERAL.**—Notwithstanding the Federal objectives identified in this subsection, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason based upon other Federal, State, local, or international concerns.

(B) **FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.**—With respect to a water resources project described in paragraph (1), an overriding reason for selecting a plan other than the plan that maximizes national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(C) **ECOSYSTEM RESTORATION PROJECTS.**—With respect to a water resources project described in paragraph (2), an overriding reason for selecting a plan other than the plan that maximizes national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater economic development benefits.

(b) **IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.**—

(1) **PRIMARILY ECONOMIC BENEFITS.**—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(2) **PRIMARILY ECOSYSTEM RESTORATION BENEFITS.**—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(3) **RULES APPLICABLE TO CERTAIN MEASURES, PROJECTS, AND ELEMENTS.**—Any additional measures, separate project, or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of the additional measures, project, or separable element.

(c) **CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.**—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of any upstream or downstream impacts of the proposed project; and

(3) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

#### **SEC. 2030. INDEPENDENT PEER REVIEW.**

(a) **PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.**—

(1) **IN GENERAL.**—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) **SCOPE.**—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) **PROJECT STUDIES SUBJECT TO PEER REVIEW.**—

(A) **MANDATORY.**—A project study shall be subject to peer review under paragraph (1) if the project has an estimated total cost of more than \$50,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6).

(B) **DISCRETIONARY.**—A project study may be subject to peer review if—

(i) the Governor of an affected State requests a peer review by an independent panel of experts;

(ii) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial.

(4) **CONTROVERSIAL PROJECTS.**—Upon receipt of a written request under paragraph (3)(B) or on the initiative of the Chief of Engineers, the Chief of Engineers shall determine whether a project study is controversial.

(5) **FACTORS TO CONSIDER.**—In determining whether a project study is controversial, the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) **PROJECT STUDIES EXCLUDED FROM PEER REVIEW.**—Project studies that may be excluded from peer review under paragraph (1) are—

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threat-

ened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) APPEAL.—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) DETERMINATION OF PROJECT COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) TIMING OF PEER REVIEW.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

- (1) the without-project conditions are identified;
- (2) the array of alternatives to be considered are identified; and
- (3) the preferred alternative is identified.

Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—An individual may not be selected to serve on a panel of experts established for a project study under this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

- (1) conduct a peer review for the project study submitted to the panel for review;

- (2) assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers;
- (3) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and
- (4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.
- (e) DURATION OF PROJECT STUDY PEER REVIEWS.—
  - (1) DEADLINE.—A panel of experts shall—
    - (A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and
    - (B) terminate on the date of submission of the report.
  - (2) FAILURE TO MEET DEADLINE.—If a panel does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(4) on or before the deadline established by paragraph (1) for the project study, the Chief of Engineers shall continue the project study for the project that is subject to peer review by the panel without delay.
- (f) RECOMMENDATIONS OF PANEL.—
  - (1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.
  - (2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—
    - (A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and
    - (B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.
- (g) COSTS.—
  - (1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—
    - (A) shall be a Federal expense; and
    - (B) shall not exceed \$500,000.
  - (2) WAIVER.—The Chief of Engineers may waive the \$500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.
- (h) APPLICABILITY.—This section shall apply to—
  - (1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and
  - (2) project studies initiated during the period beginning on such date of enactment and ending 4 years after such date of enactment.
- (i) REPORT.—Within 4 1/2 years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.
- (j) NONAPPLICABILITY OF FACCA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.
- (k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.
- (l) DEFINITIONS.—In this section, the following definitions apply:
  - (1) PROJECT STUDY.—The term “project study” means a feasibility study or reevaluation study for a project. The term also includes any other study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.
  - (2) AFFECTED STATE.—The term “affected State”, as used with respect to a project, means a State all or a portion of which is within the drainage basin

in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) **ELIGIBLE ORGANIZATION.**—The term “eligible organization” means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

**SEC. 2031. TRAINING FUNDS.**

(a) **IN GENERAL.**—The Secretary may include individuals not employed by the Department of the Army in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) **EXPENSES.**—

(1) **IN GENERAL.**—An individual not employed by the Department of the Army attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) **PAYMENTS.**—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) **EXCESS AMOUNTS.**—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

**SEC. 2032. ACCESS TO WATER RESOURCE DATA.**

(a) **IN GENERAL.**—The Secretary shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) **DATA.**—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resources project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) **PARTNERSHIPS.**—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each fiscal year.

**SEC. 2033. SHORE PROTECTION PROJECTS.**

(a) **IN GENERAL.**—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote beach nourishment for the purposes of flood damage reduction and hurricane and storm damage reduction and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) **PREFERENCE.**—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds for the purposes described in subsection (a); and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) **APPLICABILITY.**—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects constructed before the date of enactment of this Act).

**SEC. 2034. ABILITY TO PAY.**

(a) **CRITERIA AND PROCEDURES.**—Section 103(m)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(2)) is amended by striking “180 days after such date of enactment” and inserting “August 31, 2005”.

(b) **PROJECTS.**—The Secretary shall apply the criteria and procedures referred to in section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the following projects:

(1) **ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.**—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(2) **LOWER RIO GRANDE BASIN, TEXAS.**—The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(3) **WEST VIRGINIA AND PENNSYLVANIA PROJECTS.**—The projects for flood control authorized by section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790–3791).

**SEC. 2035. AQUATIC ECOSYSTEM RESTORATION.**

Section 206(e) of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended by striking “\$25,000,000” and inserting “\$40,000,000”.

**SEC. 2036. SMALL FLOOD DAMAGE REDUCTION PROJECTS.**

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking “\$50,000,000” and inserting “\$60,000,000”.

**SEC. 2037. LEASING AUTHORITY.**

Section 4 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved December 22, 1944 (16 U.S.C. 460d) is amended—

(1) by inserting “federally-recognized Indian tribes and” before “Federal” the first place it appears;

(2) by inserting “Indian tribes or” after “considerations, to such”; and

(3) by inserting “federally-recognized Indian tribe” after “That in any such lease or license to a”.

**SEC. 2038. COST ESTIMATES.**

The estimated Federal and non-Federal costs of projects authorized to be carried out by the Secretary before, on, or after the date of enactment of this Act are for informational purposes only and shall not be interpreted as affecting the cost sharing responsibilities established by law.

**SEC. 2039. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS.**

(a) **STUDIES.**—

(1) **COST-SHARING REQUIREMENTS.**—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended by adding at the end the following:

“(3) **DETAILED PROJECT REPORTS.**—The requirements of this subsection that apply to a feasibility study also shall apply to a study that results in a detailed project report, except that—

“(A) the first \$100,000 of the costs of a study that results in a detailed project report shall be a Federal expense; and

“(B) paragraph (1)(C)(ii) shall not apply to such a study.”.

(2) **PLANNING AND ENGINEERING.**—Section 105(b) of such Act (33 U.S.C. 2215(b)) is amended by striking “authorized by this Act”.

(3) **DEFINITIONS.**—Section 105 of such Act (33 U.S.C. 2215) is amended by adding at the end the following:

“(d) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **DETAILED PROJECT REPORT.**—The term ‘detailed project report’ means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed \$1,000,000, the term includes a planning and design analysis document.

“(2) **FEASIBILITY STUDY.**—The term ‘feasibility study’ means a study that results in a feasibility report under section 905, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.”.

(b) **REPORTS.**—

(1) PREPARATION.—Section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a); 100 Stat. 4185) is amended—

(A) by striking “(a) In the case of any” and inserting the following:

“(a) PREPARATION OF REPORTS.—

“(1) IN GENERAL.—In the case of any”;

(B) by striking “the Secretary, the Secretary shall” and inserting “the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall perform a reconnaissance study and”;

(C) by striking “Such feasibility report” and inserting the following:

“(2) CONTENTS OF FEASIBILITY REPORTS.—A feasibility report”;

(D) by striking “The feasibility report” and inserting “A feasibility report”;

and

(E) by striking the last sentence and inserting the following:

“(3) APPLICABILITY.—This subsection shall not apply to—

“(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

“(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

“(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

“(D) general studies not intended to lead to recommendation of a specific water resources project.

“(4) FEASIBILITY REPORT DEFINED.—In this subsection, the term ‘feasibility report’ means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.”.

(2) PROJECTS NOT SPECIALLY AUTHORIZED BY CONGRESS.—Section 905 of such Act is further amended—

(A) in subsection (b) by inserting “RECONNAISSANCE STUDIES.—” before “Before initiating”;

(B) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(C) by inserting after subsection (b) the following:

“(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.”;

(D) in subsection (d) (as so redesignated) by inserting “INDIAN TRIBES.—” before “For purposes of”; and

(E) in subsection (e) (as so redesignated) by inserting “STANDARD AND UNIFORM PROCEDURES AND PRACTICES.—” before “The Secretary shall”.

#### SEC. 2040. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2006, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year and, for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

- (ii) estimated annual Federal cost to maintain that construction schedule.
- (2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—
  - (A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and
  - (B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.
- (3) With respect to general investigations and reconnaissance and feasibility studies—
  - (A) the number of active studies;
  - (B) the number of completed studies not yet authorized for construction;
  - (C) the number of initiated studies; and
  - (D) the number of studies expected to be completed during the fiscal year.
- (4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).
- (5) Recreation fees and lease payments.
- (6) Hydropower and water storage fees.
- (7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.
- (8) Other revenues and fees collected.

### **TITLE III—PROJECT-RELATED PROVISIONS**

#### **SEC. 3001. KING COVE HARBOR, ALASKA.**

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be \$8,000,000.

#### **SEC. 3002. ST. PAUL HARBOR, ST. PAUL ISLAND, ALASKA.**

(a) **SMALL BOAT HARBOR.**—No elements of the project for navigation, St. Paul Harbor, St. Paul Island, Alaska, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667) and modified by section 303 of the Water Resources Development Act of 1999 (113 Stat. 298) and section 105 of the Energy and Water Development Appropriations Act, 2003 (117 Stat. 139), shall be treated by the Secretary as separable.

(b) **LIMITATION ON NON-FEDERAL SHARE.**—The non-Federal share for the project shall not exceed \$14,400,000.

#### **SEC. 3003. SITKA, ALASKA.**

The Thompson Harbor, Sitka, Alaska, element of the project for navigation Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as may be necessary to correct design deficiencies in such element, at a Federal expense of \$6,300,000.

#### **SEC. 3004. TATITLEK, ALASKA.**

The maximum amount of Federal funds that may be expended for the project for navigation, Tatitlek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

#### **SEC. 3005. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.**

The Secretary shall review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, reauthorized by section 363(a) of the Water Resources Development Act of 1996 (110 Stat. 3730), and make a determination of whether the element is feasible, regardless of mission priorities.

#### **SEC. 3006. OSCEOLA HARBOR, ARKANSAS.**

(a) **IN GENERAL.**—The project for navigation, Osceola Harbor, Arkansas, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to allow non-Federal interests to construct a mooring facility within the existing authorized harbor channel, subject to all necessary permits, certifications, and other requirements.

(b) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed as affecting the responsibility of the Secretary to maintain the general navigation features of the project at a bottom width of 250 feet.

**SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.**

The Pine Mountain Dam feature of the project for flood protection, Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078), is modified—

- (1) to add environmental restoration as a project purpose; and
- (2) to direct the Secretary to finance the non-Federal share of the cost of the project over a 30-year period in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

**SEC. 3008. SAINT FRANCIS BASIN, ARKANSAS.**

The project for flood control, Saint Francis Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to authorize the Secretary to construct improvements along Ditch No. 1 that consist of a gated culvert through the Saint Francis Levee and related channel improvements.

**SEC. 3009. AMERICAN RIVER WATERSHED, CALIFORNIA.**

Section 128 of Public Law 108–137 (117 Stat. 1838) is amended by adding at the end the following:

“(c) DAM SAFETY MODIFICATIONS AT L.L. ANDERSON DAM.—In determining improvements for dam safety that are necessary at the L.L. Anderson Dam, the Secretary shall consider the without-project condition to be the dam as it existed on December 1, 2003.

“(d) COST ALLOCATION.—In allocating costs for the project authorized in subsection (a), the Secretary shall use the project cost allocations for flood damage reduction and dam safety that are contained in the American River Watershed, California, long-term study final supplemental plan formulation report dated February 2002.”

**SEC. 3010. COMPTON CREEK, CALIFORNIA.**

The project for flood control, Los Angeles Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), is modified to add environmental restoration and recreation as project purposes.

**SEC. 3011. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.**

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.**

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated July 19, 2004, at a total cost of \$205,226,000, with an estimated Federal cost of \$153,840,000 and an estimated non-Federal cost of \$51,386,000.

**SEC. 3013. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.**

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

- (1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and
- (2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

**SEC. 3014. KAWEAH RIVER, CALIFORNIA.**

The project for flood control, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3658), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project, or provide reimbursement not to exceed \$800,000, for the costs of any work carried out by the non-Federal interest before, on, or after the date of the project partnership agreement if the Secretary determines that the work is integral to the project.

**SEC. 3015. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.**

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to determine whether maintenance of the project is feasible, and if the Secretary determines that maintenance of the project is feasible, to carry out such maintenance.

**SEC. 3016. LLAGAS CREEK, CALIFORNIA.**

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to carry out the project at a total cost of \$105,000,000.

**SEC. 3017. LOS ANGELES HARBOR, CALIFORNIA.**

The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of \$222,000,000.

**SEC. 3018. MAGPIE CREEK, CALIFORNIA.**

(a) IN GENERAL.—The project for Magpie Creek, California, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3019. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.**

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend \$2,000,000 to enhance public access to the project.

**SEC. 3020. PINOLE CREEK, CALIFORNIA.**

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3021. PRADO DAM, CALIFORNIA.**

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

**SEC. 3022. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.**

(a) DETERMINATION OF FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—

(1) FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—The Secretary shall determine the amount paid by the Sacramento Area Flood Control Agency towards the Federal share of the cost of the project for the Natomas levee features authorized by section 9159(b) of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944) of the project for flood control and recreation, Sacramento and American Rivers, California.

(2) REIMBURSEMENTS TO NON-FEDERAL INTEREST.—The Secretary shall determine the amount of reimbursements paid to the Sacramento Flood Control Agency for payment of the Federal share of the cost of the project referred to in paragraph (1).

(3) DETERMINATION OF FEDERAL SHARE.—In carrying out paragraph (1), the Secretary shall include in the total cost of the project all costs of the following activities that the Secretary determines to be integral to the project:

- (A) Planning, engineering, and construction.
- (B) Acquisition of project lands, easements, and rights-of-way.
- (C) Performance of relocations.
- (D) Environmental mitigation for all project elements.

## (b) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any flood damage reduction project, authorized before the date of enactment of this Act, for which the non-Federal interest is the Sacramento Area Flood Control Agency an amount equal to the total amount determined under subsection (a)(1) reduced by the amount determined under subsection (a)(2).

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

**SEC. 3023. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.**

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3024. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.**

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled “An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes”, approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to credit the non-Federal interest up to \$4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project.

**SEC. 3025. SANTA CRUZ HARBOR, CALIFORNIA.**

The project of navigation, Santa Cruz Harbor, California, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 300) and modified by section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) and section 526 of the Water Resources Development Act of 1999 (113 Stat. 346), is modified to direct the Secretary—

(1) to renegotiate the memorandum of agreement with the non-Federal interest to increase the annual payment to reflect the updated cost of operation and maintenance that is the Federal and non-Federal share as provided by law based on the project purpose; and

(2) to revise the memorandum of agreement to include terms that revise such payments for inflation.

**SEC. 3026. SEVEN OAKS DAM, CALIFORNIA.**

The project for flood control, Santa Ana Mainstem, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water Resources Development Act of 1990 (104 Stat. 4611), and section 311 of the Water Resources Development Act of 1996 (110 Stat. 3713), is further modified to direct the Secretary to conduct a study for the reallocation of water storage at the Seven Oaks Dam, California, for water conservation.

**SEC. 3027. UPPER GUADALUPE RIVER, CALIFORNIA.**

The project for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project, at a total cost of \$212,100,000, with an estimated Federal cost of \$106,050,000, and an estimated non-Federal cost of \$106,050,000. The non-Federal share of the cost of the project shall be subject to section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)).

**SEC. 3028. WALNUT CREEK CHANNEL, CALIFORNIA.**

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-

Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 3029. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.**

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3030. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.**

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 3031. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified—

(1) to authorize the Secretary to construct the project at a total cost of \$107,700,000, with an estimated Federal cost of \$70,000,000 and an estimated non-Federal cost of \$37,700,000; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3032. INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.**

The project for navigation, Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1030), and section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), is modified to add recreation as a project purpose.

**SEC. 3033. BREVARD COUNTY, FLORIDA.**

(a) **SHORELINE.**—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified—

(1) to direct the Secretary to establish the reach of the project as the reach between the Florida department of environmental protection monuments 75.4 to 118.3, a distance of 7.6 miles; and

(2) to direct the Secretary to expedite the general reevaluation report required by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637).

(b) **CREDIT.**—Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

“(d) **CREDIT.**—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.”.

**SEC. 3034. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.**

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3035. CANAVERAL HARBOR, FLORIDA.**

In carrying out the project for navigation, Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), the Secretary shall construct a sediment trap.

**SEC. 3036. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3037. JACKSONVILLE HARBOR, FLORIDA.**

(a) IN GENERAL.—The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of \$14,658,000, with an estimated Federal cost of \$9,636,000 and an estimated non-Federal cost of \$5,022,000.

(b) GENERAL REEVALUATION REPORTS.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers for the project and the non-Federal share of the cost of the general reevaluation report for Jacksonville Harbor, Florida, being conducted on June 1, 2005, shall each be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into new partnership agreements with the non-Federal interest to reflect the cost sharing required by subsection (b).

**SEC. 3038. LIDO KEY BEACH, SARASOTA, FLORIDA.**

(a) IN GENERAL.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated December 22, 2004, at a total cost of \$14,809,000, with an estimated Federal cost of \$9,088,000 and an estimated non-Federal cost of \$5,721,000, and at an estimated total cost of \$58,635,000 for periodic nourishment over the 50-year life of the project.

(b) CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.—The Secretary shall enter into a partnership agreement with the non-Federal sponsor in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1) for the modified project.

**SEC. 3039. MIAMI HARBOR, FLORIDA.**

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified—

(1) to include as a project purpose environmental mitigation required before July 18, 2003, by a Federal, State, or local environmental agency for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project; and

(2) to direct the Secretary to reimburse the non-Federal interest for costs it has incurred in construction of the project in accordance with section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232).

**SEC. 3040. PEANUT ISLAND, FLORIDA.**

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Peanut Island, Palm Beach County, Florida, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be \$9,750,000.

**SEC. 3041. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried

out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3042. TAMPA HARBOR CUT B, FLORIDA.**

(a) **IN GENERAL.**—The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Harbor Cut B if the Secretary determines that such improvements are necessary for navigation safety.

(b) **GENERAL REEVALUATION REPORT.**—The non-Federal share of the cost of the general reevaluation report for Tampa Harbor, Florida, being conducted on June 1, 2005, shall be the same percentage as the non-Federal share of the cost of construction of the project.

(c) **AGREEMENT.**—The Secretary shall enter into a new partnership agreement with the non-Federal interest to reflect the cost sharing required by subsection (b).

**SEC. 3043. ALLATOONA LAKE, GEORGIA.**

(a) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—The Secretary may exchange lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for lands on the north side of Allatoona Lake that are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) **TERMS AND CONDITIONS.**—The basis for all land exchanges under this subsection shall be a fair market appraisal so that lands exchanged are of equal value.

(b) **DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.**—

(1) **IN GENERAL.**—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) **TERMS AND CONDITIONS.**—Land sales and purchases to be conducted under this subsection shall be subject to the following terms and conditions:

(A) Lands acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) The basis for all transactions under the program shall be a fair market appraisal acceptable to the Secretary.

(C) The purchasers shall share in the associated environmental and real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Any other conditions that the Secretary may impose.

(c) **REPEAL.**—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

**SEC. 3044. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Latham River, Glynn County, Georgia, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be \$6,175,000.

**SEC. 3045. DWORSHAK DAM AND RESERVOIR IMPROVEMENTS, IDAHO.**

The Secretary may carry out improvements to recreational facilities at the Dworshak Dam and Reservoir, North Fork, Clearwater River, Idaho, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), to accommodate lower pool levels.

**SEC. 3046. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.**

(a) **PARTNERSHIP AGREEMENT.**—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the August 18, 1983, local cooperation agreement with the Beardstown Community Park District. The partnership agreement shall include the same rights and responsibilities as the agreement, changing only the identity of the non-Federal sponsor.

(b) **MAINTENANCE.**—Following execution of the partnership agreement referred to in subsection (a), the Secretary may carry out maintenance of the project referred to in subsection (a) on an annual basis.

**SEC. 3047. CACHE RIVER LEVEE, ILLINOIS.**

The Cache River Levee portion of the project for flood control, Cache River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215), is modified to add environmental restoration as a project purpose.

**SEC. 3048. CHICAGO RIVER, ILLINOIS.**

The navigation channel for the North Branch Canal portion of the Chicago River, authorized by the first section of the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1129), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge is modified to be no wider than 66 feet.

**SEC. 3049. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.**

(a) **EXISTING BARRIER.**—The Secretary shall upgrade and make permanent, at Federal expense, the existing Chicago Sanitary and Ship Canal Dispersal Barrier Chicago, Illinois, constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) **OPERATION AND MAINTENANCE.**—The barrier referred to in subsection (a) and the barrier in the Chicago Sanitary and Ship Canal being constructed under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be operated and maintained, at Federal expense, as a system in a manner to optimize effectiveness. Operation and maintenance includes investigating and eliminating potential pathways that may allow aquatic species in the Des Plaines River and Illinois and Michigan Canal to bypass the barriers in the Chicago Sanitary and Ship Canal.

(c) **FEASIBILITY STUDY.**—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at Federal expense, of the range of options and technologies available to prevent the spread of aquatic species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other pathways.

**SEC. 3050. EMIQUON, ILLINOIS.**

(a) **MAXIMUM AMOUNT.**—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be \$7,500,000.

(b) **LIMITATION.**—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n).

**SEC. 3051. LASALLE, ILLINOIS.**

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in the vicinity of LaSalle, Illinois, on the Illinois and Michigan Canal.

**SEC. 3052. SPUNKY BOTTOMS, ILLINOIS.**

(a) **PROJECT PURPOSE.**—The project for flood control, Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 26, 1936 (35 Stat. 1584), is modified to add environmental restoration as a project purpose.

(b) **MAXIMUM AMOUNT.**—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be \$7,500,000.

(c) **LIMITATION.**—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n).

**SEC. 3053. FORT WAYNE AND VICINITY, INDIANA.**

The project for flood control Fort Wayne, St. Mary’s and Maumee Rivers, Indiana, authorized by section 101(a)(11) of the Water Resources Development Act of 1990 (104 Stat. 4604), is modified—

(1) to direct the Secretary to provide a 100-year level of flood protection at the Berry-Thieme, Park-Thompson, Woodhurst, and Tillman sites along the St. Mary’s River, Fort Wayne and vicinity, Indiana, at a total cost of \$5,300,000; and

(2) to allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development

Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 3054. KOONTZ LAKE, INDIANA.**

The project for aquatic ecosystem restoration, Koontz Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) and modified by section 520 of the Water Resources Development Act of 2000 (114 Stat. 2655), is further modified to direct the Secretary to seek to reduce the cost of the project by using innovative technologies and cost reduction measures determined from a review of non-Federal lake dredging projects in the vicinity of Koontz Lake.

**SEC. 3055. LITTLE CALUMET RIVER, INDIANA.**

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the postauthorization change report dated August 2000, at a total cost of \$198,000,000, with an estimated Federal cost of \$148,500,000 and an estimated non-Federal cost of \$49,500,000.

**SEC. 3056. WHITE RIVER, INDIANA.**

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified—

(1) to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature at a total cost of \$28,545,000; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3057. DES MOINES RIVER AND GREENBELT, IOWA.**

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99–88 and modified by section 604 of the Water Resources Development Act of 1986 (100 Stat. 4153), is modified to include enhanced public access and recreational enhancements, at a Federal cost of \$3,000,000.

**SEC. 3058. PRESTONSBURG, KENTUCKY.**

The Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

**SEC. 3059. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.**

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140), is further modified—

(1) to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996;

(2) to authorize the Secretary to construct the project at a total cost of \$178,000,000; and

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3060. ATCHAFALAYA BASIN, LOUISIANA.**

(a) IN GENERAL.—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603–2604) is amended to read as follows:

"(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways

that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and”.

(b) TECHNICAL CORRECTION.—Section 315(b) of such Act is amended by striking “(a)” and inserting “(a)(2)”.

(c) DONATIONS.—Section 315 of such Act is amended by adding at the end the following:

“(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.”.

**SEC. 3061. BAYOU PLAQUEMINE, LOUISIANA.**

The project for the improvement of the quality of the environment, Bayou Plaquemine, Louisiana, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309(a)), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3062. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.**

The public access feature of the Atchafalaya Basin Floodway System project, Louisiana, authorized by section 601(a) of the Water Resources Development Act 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of \$4,000,000.

**SEC. 3063. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.**

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified—

(1) to authorize the purchase and reforestation lands that have been cleared or converted to agricultural uses; and

(2) to incorporate current wildlife and forestry management practices for the purpose of improving species diversity on mitigation lands that meet Federal and State of Louisiana habitat goals and objectives.

**SEC. 3064. MISSISSIPPI DELTA REGION, LOUISIANA.**

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

**SEC. 3065. NEW ORLEANS TO VENICE, LOUISIANA.**

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

**SEC. 3066. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.**

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking “operation and maintenance” and inserting “operation, maintenance, rehabilitation, repair, and replacement”; and

(B) by striking “Algiers Channel” and inserting “Algiers Canal Levees”; and

(2) by adding at the end the following:

“(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.”.

**SEC. 3067. CAMP ELLIS, SACO, MAINE.**

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be \$25,000,000.

**SEC. 3068. UNION RIVER, MAINE.**

The project for navigation, Union River, Maine, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315,975.13, E1,004,424.86, thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

**SEC. 3069. GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND.**

(a) **IN GENERAL.**—The Secretary shall carry out the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study-Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.

(b) **SPECIAL RULE FOR GWYNNS FALLS, MARYLAND.**—The report on the project for environmental restoration at Gwynns Falls, Maryland, shall be treated as being consistent and in compliance with the consent decree entered into between the United States and the Mayor and City Council of Baltimore, Maryland, filed with the United States District Court for the District of Maryland on April 26, 2002.

(c) **REPEAL.**—Section 123 of Public Law 108–137 (117 Stat. 1837) is repealed.

**SEC. 3070. BOSTON HARBOR, MASSACHUSETTS.**

The project for navigation, Boston Harbor, Massachusetts, authorized by section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to provide that no funds may be expended for the dredging of Chelsea Creek until the city of Boston and the United States Coast Guard complete the replacement of the Chelsea Street Bridge, as identified in the limited reevaluation report for the project dated June 1996.

**SEC. 3071. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**

(a) **IN GENERAL.**—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project shall be \$3,000,000.

**SEC. 3072. ST. JOSEPH HARBOR, MICHIGAN.**

The Secretary shall expedite development of the dredged material management plan for the project for navigation St. Joseph Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299).

**SEC. 3073. SAULT SAINTE MARIE, MICHIGAN.**

(a) **IN GENERAL.**—The text of section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

"The Secretary shall construct at Federal expense a second lock, of the same dimensions as the existing Poe Lock, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of \$341,714,000."

(b) **CONFORMING REPEALS.**—The following provisions are repealed:

- (1) Section 107(a)(8) of the Water Resources Development Act of 1990 (104 Stat. 4620).
- (2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717–3718).
- (3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

**SEC. 3074. ADA, MINNESOTA.**

(a) **IN GENERAL.**—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) **EVALUATION OF BENEFITS AND COSTS.**—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) **SPECIAL RULE.**—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 3075. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

(a) **IN GENERAL.**—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) **CREDIT.**—The Secretary shall provide credit toward the non-Federal share of the cost of the project for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(c) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project shall be \$5,000,000.

**SEC. 3076. GRAND PORTAGE HARBOR, MINNESOTA.**

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 312 of the Water Resources Development Act of 2000 (114 Stat. 2605), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3077. GRANITE FALLS, MINNESOTA.**

(a) **IN GENERAL.**—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of \$12,000,000, with an estimated Federal cost of \$8,000,000 and an estimated non-Federal cost of \$4,000,000.

(b) **PROJECT FINANCING.**—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest before date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) **MAXIMUM FUNDING.**—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be \$8,000,000.

**SEC. 3078. KNIFE RIVER HARBOR, MINNESOTA.**

The project for navigation, Harbor at Knife River, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to direct the Secretary to develop a final design and prepare plans and specifications to correct the harbor entrance and mooring conditions at the project.

**SEC. 3079. RED LAKE RIVER, MINNESOTA.**

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the Feasibility Report Supplement, Local Flood Protection, Crookston, Minnesota, at a total cost of \$17,000,000, with an estimated Federal cost of \$11,000,000 and an estimated non-Federal cost of \$6,000,000.

**SEC. 3080. SILVER BAY, MINNESOTA.**

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include oper-

ation and maintenance of the general navigation facilities as a Federal responsibility.

**SEC. 3081. TACONITE HARBOR, MINNESOTA.**

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

**SEC. 3082. TWO HARBORS, MINNESOTA.**

(a) **IN GENERAL.**—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY.**—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project shall be \$5,000,000.

**SEC. 3083. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), is modified to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

**SEC. 3084. PEARL RIVER BASIN, MISSISSIPPI.**

(a) **IN GENERAL.**—The Secretary shall complete a feasibility study for the project for flood damage reduction, Pearl River Watershed, Mississippi.

(b) **COMPARISON OF ALTERNATIVES.**—The feasibility study shall identify both the plan that maximizes national economic development benefits and the locally preferred plan and shall compare the level of flood damage reduction provided by each plan to that portion of Jackson, Mississippi, located below the Ross Barnett Reservoir Dam.

(c) **RECOMMENDED PLAN.**—If the Secretary determines that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan, and the locally preferred plan is technically feasible and environmentally protective, the Secretary shall recommend construction of the locally preferred plan.

(d) **EVALUATION OF PROJECT COST.**—For the purposes of determining compliance with the first section of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a), the Secretary shall consider only the costs of the national economic development plan, and shall exclude incremental costs associated with the locally preferred plan that are in excess of such costs, if the non-Federal interest agrees to pay 100 percent of such incremental costs.

(e) **NON-FEDERAL COST SHARE.**—If the locally preferred plan is authorized for construction, the non-Federal share of the cost of the project shall be the same percentage as the non-Federal share of the cost of the national economic development plan plus all additional costs of construction associated with the locally preferred plan.

**SEC. 3085. FESTUS AND CRYSTAL CITY, MISSOURI.**

Section 102(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 282) is amended by striking “\$10,000,000” and inserting “\$12,000,000”.

**SEC. 3086. MONARCH-CHESTERFIELD, MISSOURI.**

The project for flood damage reduction, Monarch-Chesterfield, Missouri, authorized by section 101(b)(18) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3087. RIVER DES PERES, MISSOURI.**

The projects for flood control, River Des Peres, Missouri, authorized by section 101(a)(17) of the Water Resources Development Act of 1990 (104 Stat. 4607) and section 102(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), are each modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3088. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, authorized by section 101(b)(19) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to allow the non-Federal sponsor for the project to use, and to direct the Secretary to accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the project if such funds are authorized to be used to carry out the project.

**SEC. 3089. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

**SEC. 3090. LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.**

The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, authorized by section 101(a)(25) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to incorporate the project for shoreline erosion control, Cape May Point, New Jersey, carried out under section 5 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426h), if the Secretary determines that such incorporation is feasible.

**SEC. 3091. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.**

The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) and modified by section 327 of the Water Resources Development Act of 2000 (114 Stat. 2607), is further modified to direct the Secretary to include the benefits and costs of preserving natural flood storage in any future economic analysis of the project.

**SEC. 3092. BUFFALO HARBOR, NEW YORK.**

The project for navigation, Buffalo Harbor, New York, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), is modified to include measures to enhance public access, at Federal cost of \$500,000.

**SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.**

The project for shoreline protection, Orchard Beach, Bronx, New York, authorized by section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781), is modified to authorize the Secretary to construct the project, at a total cost of \$20,000,000.

**SEC. 3094. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.**

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

**SEC. 3095. NEW YORK STATE CANAL SYSTEM.**

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

“(c) **NEW YORK STATE CANAL SYSTEM DEFINED.**—In this section, the term ‘New York State Canal System’ means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.”.

**SEC. 3096. LOWER GIRARD LAKE DAM, OHIO.**

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended by striking “\$2,500,000” and inserting “\$6,000,000”.

**SEC. 3097. MAHONING RIVER, OHIO.**

In carrying out the project for environmental dredging, authorized by section 312(f)(4) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Secretary is directed to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3098. ARCADIA LAKE, OKLAHOMA.**

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of costs associated with present and future water storage at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56-79-C-0072 shall satisfy the obligations of the city under that contract for such costs, including accrued interest.

**SEC. 3099. WAURIKA LAKE, OKLAHOMA.**

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

**SEC. 3100. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.**

(a) **IN GENERAL.**—The project for environmental restoration, Willamette River temperature control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665) and modified by section 344 of the Water Resources Development Act of 1999 (113 Stat. 308), is further modified to direct the Secretary to pay, subject to the availability of appropriations, compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002.

(b) **ESTABLISHMENT OF PROGRAM.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to receive claims for compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002;

(2) to evaluate claims for such losses; and

(3) to pay claims for such losses.

(c) **IMPLEMENTATION OF PROGRAM.**—In carrying out the program established under subsection (b), the Secretary shall provide—

(1) public notice of the existence of the program sufficient to reach those in the area that may have suffered losses to small businesses;

(2) a period for the submission of claims of not fewer than 45 days and not greater than 75 days from the date of the first public notice of the existence of the program;

(3) for the evaluation of each claim submitted to the Secretary under the program and a determination of whether the claim constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of submission of the claim; and

(4) for the payment of each claim that the Secretary determines constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of the Secretary's determination.

(d) **LOSS TO A SMALL BUSINESS DEFINED.**—In this section, the term “loss to a small business” means documented financial losses associated with commercial activity of a small business that can be attributed to the turbidity levels in the McKenzie River being higher than those anticipated in the original planning documents and public announcements existing before the initiation of the drawdown in 2002. Commercial losses include decline in sales, loss of revenue (including loss of revenue from canceled or delayed reservations at lodging establishments), and any other financial losses that can be shown to be associated with the elevated turbidity levels in the McKenzie River in 2002.

(e) **PAYMENT OF CLAIMS.**—The payment of claims for losses to small businesses shall be a Federal responsibility.

**SEC. 3101. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND DELAWARE.**

The Secretary may remove debris from the project for navigation, Delaware River, Pennsylvania, New Jersey, and Delaware, Philadelphia to the Sea.

**SEC. 3102. RAYSTOWN LAKE, PENNSYLVANIA.**

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State route 994 on the east shore of Raystown Lake, Pennsylvania.

**SEC. 3103. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.**

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to \$400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3104. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.**

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

**SEC. 3105. SOUTH CENTRAL PENNSYLVANIA.**

Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142) is amended—

(1) in subsection (g)(1) by striking “\$180,000,000” and inserting “\$200,000,000”; and

(2) in subsection (h)(2) by striking “Allegheny, Armstrong, Bedford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties” and inserting “Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties”.

**SEC. 3106. WYOMING VALLEY, PENNSYLVANIA.**

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

**SEC. 3107. CEDAR BAYOU, TEXAS.**

(a) **IN GENERAL.**—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) **COST SHARING.**—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

**SEC. 3108. FREEPORT HARBOR, TEXAS.**

The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the Rivers and Harbors Act of 1970 (84 Stat. 1818), is modified.—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to direct the Secretary to remove the sunken vessel “COMSTOCK” at Federal expense.

**SEC. 3109. JOHNSON CREEK, ARLINGTON, TEXAS.**

The project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), is modified to authorize the Secretary to carry out the project at a total cost of \$29,717,000, with an estimated Federal cost of \$20,670,000 and an estimated non-Federal cost \$9,047,000.

**SEC. 3110. LAKE KEMP, TEXAS.**

(a) **IN GENERAL.**—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) **LIMITATION ON LIABILITY.**—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) **LAKE KEMP IMPROVEMENT DEFINED.**—In this section, the term “Lake Kemp improvement” means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

**SEC. 3111. LOWER RIO GRANDE BASIN, TEXAS.**

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity of Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination within 180 days after the date of enactment of this Act under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest’s ability to pay.

**SEC. 3112. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.**

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

**SEC. 3113. PAT MAYSE LAKE, TEXAS.**

The Secretary is directed to accept from the city of Paris, Texas, \$3,461,432 as payment in full of monies owed to the United States for water supply storage space in Pat Mayse Lake, Texas, under contract number DA-34-066-CIVENG-65-1272, including accrued interest.

**SEC. 3114. PROCTOR LAKE, TEXAS.**

The Secretary is authorized to purchase fee simple title to all properties located within the boundaries, and necessary for the operation, of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259).

**SEC. 3115. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of design and construction work carried

out by the non-Federal interest for the project if the Secretary determines that the work is integral to the project.

**SEC. 3116. JAMES RIVER, VIRGINIA.**

The project for navigation, James River, Virginia, authorized by the first section of the River and Harbor Appropriations Act of July 5, 1884 (23 Stat. 138), is further modified to authorize the Secretary to enlarge the turning basin adjacent to the Richmond Deepwater Terminal at a total cost of \$1,511,000 if the Secretary determines that the such enlargement is necessary for navigation safety.

**SEC. 3117. LEE, RUSSELL, SCOTT, SMYTH, TAZEVELL, AND WISE COUNTIES, VIRGINIA.**

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339) and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725) and section 336 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to direct the Secretary to determine the ability of Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criterion specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

**SEC. 3118. TANGIER ISLAND SEAWALL, VIRGINIA.**

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking “at a total cost of \$1,200,000, with an estimated Federal cost of \$900,000 and an estimated non-Federal cost of \$300,000.” and inserting “at a total cost of \$3,000,000, with an estimated Federal cost of \$2,250,000 and an estimated non-Federal cost of \$750,000.”.

**SEC. 3119. DUWAMISH/GREEN, WASHINGTON.**

The project for ecosystem restoration, Duwamish/Green, Washington, authorized by section 101(b)(26) of the Water Resources Development Act of 2000 (114 Stat. 2579), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

**SEC. 3120. YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON.**

The project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3121. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking “\$47,000,000” and inserting “\$99,000,000”.

**SEC. 3122. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

Section 30(d) of the Water Resources Development Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to read as follows:

“(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the ‘Jenkins House’, and the reconstruction of associated buildings and landscape features of such structure located within the Lesage/Greenbottom Swamp in accordance with the Secretary of the Interior’s standards for the treatment of historic properties. Amounts made available for expenditure for the project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110) shall be available for the purposes of this subsection.”.

**SEC. 3123. NORTHERN WEST VIRGINIA.**

Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended in the first sentence by striking “favorable”.

**SEC. 3124. MANITOWOC HARBOR, WISCONSIN.**

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852, is modified to direct the Secretary to deepen

the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of \$300,000.

**SEC. 3125. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

- (1) in subsection (a)—
  - (A) by striking “1276.42” and inserting “1278.42”;
  - (B) by striking “1218.31” and inserting “1221.31”; and
  - (C) by striking “1234.82” and inserting “1235.30”; and
- (2) by striking subsection (b) and inserting the following:

“(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the drawdown of lake levels is in anticipation of flood control operations.”.

**SEC. 3126. CONTINUATION OF PROJECT AUTHORIZATIONS.**

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(2) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731); except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

**SEC. 3127. PROJECT REAUTHORIZATIONS.**

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

**SEC. 3128. PROJECT DEAUTHORIZATIONS.**

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the eastern limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) MYSTIC RIVER, CONNECTICUT.—The portion of the project for navigation, Mystic River, Connecticut, authorized by the first section of the River and Harbor Appropriations Act of September 19, 1890 (26 Stat. 436) consisting of a 12-foot-deep channel, approximately 7,554 square feet in area, starting at a point

N193,086.51, E815,092.78, thence running north 59 degrees 21 minutes 46.63 seconds west about 138.05 feet to a point N193,156.86, E814,974.00, thence running north 51 degrees 04 minutes 39.00 seconds west about 166.57 feet to a point N193,261.51, E814,844.41, thence running north 43 degrees 01 minutes 34.90 seconds west about 86.23 feet to a point N193,324.55, E814,785.57, thence running north 06 degrees 42 minutes 03.86 seconds west about 156.57 feet to a point N193,480.05, E814,767.30, thence running south 21 degrees 21 minutes 17.94 seconds east about 231.42 feet to a point N193,264.52, E814,851.57, thence running south 53 degrees 34 minutes 23.28 seconds east about 299.78 feet to the point of origin.

(3) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin.

(4) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(5) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at station 70+00 and ending at station 80+00.

(b) ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188, 802.75, E779, 462.81, thence running northeasterly about 1,373.88 feet to a point N189, 554.87, E780, 612.53, thence running southeasterly about 439.54 feet to a point N189, 319.88, E780, 983.98, thence running southwesterly about 831.58 feet to a point N188, 864.63, E780, 288.08, thence running southeasterly about 567.39 feet to a point N188, 301.88, E780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin, shall be redesignated as an anchorage area.

(c) SOUTHPORT HARBOR, FAIRFIELD, CONNECTICUT.—The project for navigation, Southport Harbor, Fairfield, Connecticut, authorized by section 2 of the River and Harbor Act of March 2, 1829, and by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1029), and section 364 of the Water Resources Development Act of 1996 (110 Stat. 3733–3734), is further modified to redesignate a portion of the 9-foot-deep channel to an anchorage area, approximately 900 feet in length and 90,000 square feet in area, and lying generally north of a line with points at coordinates N108,043.45, E452,252.04 and N107938.74, E452265.74.

(d) MYSTIC RIVER, MASSACHUSETTS.—The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from 100 foot to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514,889.47, E707,618.30, thence running north-

westerly about 166.61 feet to a point N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

(e) GREEN BAY HARBOR, GREEN BAY, WISCONSIN.—The portion of the inner harbor of the Federal navigation channel, Green Bay Harbor, Green Bay, Wisconsin, authorized by the first section of the River and Harbor Act of June 23, 1866, beginning at station 190+00 to station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

(f) ADDITIONAL DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) The project for flood control, Cache Creek Basin, Clear Lake Outlet Channel, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112).

(2) The project for flood protection on Atascadero Creek and its tributaries of Goleta, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826).

(3) The project for flood control, central and southern Florida, Shingle Creek basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

(4) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of July 24, 1946 (60 Stat. 649).

(5) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602(a)(2) of the Water Resources Development Act of 1986 (100 Stat. 4148).

(6) The project for flood control, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a) of the Water Resources Development Act of 1992 (106 Stat. 4821).

(7) The project for flood control, Hazard, Kentucky, authorized by section 3(a)(7) of the Water Resources Development Act of 1988 (100 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621).

(8) The recreation portion of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421).

(9) The project for flood control, western Kentucky tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1076) and modified by section 210 of the Flood Control Act of 1970 (84 Stat. 1829).

(10) The project for flood damage reduction, Tensas-Cocodrie area, Louisiana, authorized by section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 643).

(11) The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825).

(12) The bulkhead and jetty features at Lake Borgne and Chef Menteur, Louisiana, of the project for navigation, Mississippi River, Baton Rouge to the Gulf of Mexico, barge channel through Devils Swamp, Louisiana, authorized by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 635).

(13) The project for navigation Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by the River and Harbor Act of 1968 (82 Stat. 731).

(14) The project for flood damage reduction Brockton, Massachusetts, authorized by section 401(c) of the Water Resources Development Act of 1986 (100 Stat. 4129).

(15) The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4093).

(16) The project for hydropower, Libby Dam, Montana, (Units 6–8), authorized by section 549 of the Water Resources Development Act of 1996 (110 Stat. 3779).

(17) The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603(f)(6) of the Water Resources Development Act of 1986 (100 Stat. 4150).

(18) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817).

(19) The project for flood control, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121).

(20) The project for flood control, Miami River, Fairfield, Ohio, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4122).

(21) The project for shoreline protection, Maumee Bay, Lake Erie, Ohio, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135).

(22) The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4144).

(23) The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078).

(24) The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788).

(25) The project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (90 Stat. 2921).

(26) The Arroyo Colorado, Texas, feature of the project for flood control Lower Rio Grande, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(27) The structural portion of the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(28) The project for flood protection, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 202 of the Flood Control Act of 1962 (76 Stat. 1185).

(29) The project for flood control, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(30) The project for streambank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153).

(g) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking “two years” and inserting “year”; and

(2) by striking “7” and inserting “5”.

#### SEC. 3129. LAND CONVEYANCES.

(a) ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to paragraph (2), all right, title, and interest to real property within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of May 15, 1928 (33 U.S.C. 702a et seq.)

(2) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyance by the United States under this subsection shall be subject to—

(i) the condition that the State of Arkansas agree to operate, maintain, and manage the real property for fish and wildlife, recreation, and environmental purposes at no cost or expense to the United States; and

(ii) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(B) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or the State ceases to operate, maintain, and manage the real property in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

(3) MITIGATION.—Nothing in this subsection extinguishes the responsibility of the Federal Government or the non-Federal interest for the project referred to in paragraph (1) from the obligation to implement mitigation for such project that existed on the day prior to the transfer authorized by this subsection.

(b) MILFORD, KANSAS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to real property consisting of ap-

proximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(c) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—At such time as S.S.S., Inc., conveys all right, title and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S., Inc., and the Secretary, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about a 200-foot distance from Drake Island (also known as Grimes Island).

(B) FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S. Inc., and the Secretary, situated in Pike County, Missouri, known as Government Tract Numbers MIs-7 and a portion of FM-46 (both tracts on Buffalo Island), administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the real property described in paragraph (2)(B) to S.S.S., Inc., shall be by quitclaim deed and contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc., may remove, and the Secretary may require S.S.S., Inc., to remove, any improvements on the land described in paragraph (2)(A).

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to S.S.S., Inc., by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by S.S.S., Inc., under paragraph (1), S.S.S., Inc., shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

(d) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking “city of Boardman,” and inserting “the Boardman Park and Recreation District, Boardman,”; and

(2) by striking “such city” and inserting “the city of Boardman”.

(e) TIOGA TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the Tioga Township, Pennsylvania, without consideration, all right, title, and interest of the United States in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes flood control project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(2) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes flood control project.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance com-

plex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(f) **RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.**—

(1) **IN GENERAL.**—The Secretary shall convey to the State of South Carolina, by quitclaim deed, at fair market value, all right, title, and interest of the United States in and to the real property described in paragraph (2) that is managed, as of the date of enactment of this Act, by the South Carolina department of commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(2) **LAND DESCRIPTION.**—Subject to paragraph (3), the real property referred to in paragraph (1) is the parcel contained in the portion of real property described in Army Lease Number DACW21-1-92-0500.

(3) **RESERVATION OF INTERESTS.**—The United States shall reserve—

(A) ownership of all real property included in the lease referred to in paragraph (2) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other rights and interests in and to the real property to be conveyed as the Secretary considers necessary for authorized project purposes, including easement rights-of-way to remaining Federal land.

(4) **NO EFFECT ON SHORE MANAGEMENT POLICY.**—The Shoreline Management Policy (ER-1130-2-406) of the Corps of Engineer shall not be changed or altered for any proposed development of land conveyed under this subsection.

(5) **COST SHARING.**—In carrying out the conveyance under this subsection, the Secretary and the State shall comply with all obligations of any cost-sharing agreement between the Secretary and the State with respect to the real property described in paragraph (2) in effect as of the date of the conveyance.

(6) **LAND NOT CONVEYED.**—The State shall continue to manage the real property described in paragraph (3) not conveyed under this subsection in accordance with the terms and conditions of Army Lease Number DACW21-1-92-0500.

(g) **GENERALLY APPLICABLE PROVISIONS.**—

(1) **SURVEY TO OBTAIN LEGAL DESCRIPTION.**—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) **APPLICABILITY OF PROPERTY SCREENING PROVISIONS.**—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(4) **COSTS OF CONVEYANCE.**—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) **LIABILITY.**—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

**SEC. 3130. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.**

(a) **IDAHO.**—

(1) **IN GENERAL.**—With respect to the property covered by each deed in paragraph (2)—

(A) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(B) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(C) the human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(D) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) **AFFECTED DEEDS.**—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

- (A) Auditor's Instruments No. 399218 and No. 399341 of Nez Perce County, Idaho—2.07 acres.
- (B) Auditor's Instruments No. 487437 and No. 339341 of Nez Perce County, Idaho—7.32 acres.
- (b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—
  - (1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (now known as “Easter Seals Tennessee”), at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.
  - (2) INSTRUMENT OF RELEASE.—As soon as possible after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).
- (c) PORT OF PASCO, WASHINGTON.—
  - (1) EXTINGUISHMENT OF USE RESTRICTIONS AND FLOWAGE EASEMENT.—With respect to the property covered by the deed in paragraph (3)(A)—
    - (A) the flowage easement and human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and
    - (B) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.
  - (2) EXTINGUISHMENT OF FLOWAGE EASEMENT.—With respect to the property covered by each deed in paragraph (3)(B), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.
  - (3) AFFECTED DEEDS.—The deeds referred to in paragraphs (1) and (2) are as follows:
    - (A) Auditor's File Number 262980 of Franklin County, Washington.
    - (B) Auditor's File Numbers 263334 and 404398 of Franklin County, Washington.
- (d) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

## TITLE IV—STUDIES

### SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21) is amended by adding at the end the following:

“(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of in-kind services and materials.”.

### SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

### SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and other appropriate agencies, shall conduct, at Federal expense, a comprehensive study of drought conditions in the southwestern United States, with a particular emphasis on the Colorado River basin, the Rio Grande River basin, and the Great Basin.

(b) INVENTORY OF ACTIONS.—In conducting the study, the Secretary shall assemble an inventory of actions taken or planned to be taken to address drought-related situations in the southwestern United States.

(c) PURPOSE.—The purpose of the study shall be to develop recommendations to more effectively address current and future drought conditions in the southwestern United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$7,000,000. Such funds shall remain available until expended.

**SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.**

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333; 114 Stat. 2635) is amended by striking “3 years after the first date on which funds are appropriated to carry out this section” and inserting “December 30, 2006”.

**SEC. 4005. KNIK ARM, COOK INLET, ALASKA.**

The Secretary shall conduct, at Federal expense, a study to determine the potential impacts on navigation of construction of a bridge across Knik Arm, Cook Inlet, Alaska.

**SEC. 4006. KUSKOKWIM RIVER, ALASKA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kuskokwim River, Alaska, in the vicinity of the village of Crooked Creek.

**SEC. 4007. ST. GEORGE HARBOR, ALASKA.**

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George Harbor, Alaska.

**SEC. 4008. SUSITNA RIVER, ALASKA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

**SEC. 4009. GILA BEND, MARICOPA, ARIZONA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gila Bend, Maricopa, Arizona. In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

**SEC. 4010. SEARCY COUNTY, ARKANSAS.**

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

**SEC. 4011. DRY CREEK VALLEY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide recycled water for agricultural water supply, Dry Creek Valley, California, including a review of the feasibility of expanding the Geysers recharge project north of Healdsburg, California.

**SEC. 4012. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

The Secretary shall conduct a study of the Elkhorn Slough estuary, California, to determine the feasibility of conserving, enhancing, and restoring estuarine habitats by developing strategies to address hydrological management issues.

**SEC. 4013. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Fresno, Kings, and Kern Counties, California.

**SEC. 4014. LOS ANGELES RIVER, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Los Angeles River, California.

(b) **REVITALIZATION PLAN.**—In conducting the study, the Secretary shall review the Los Angeles River revitalization plan developed by non-Federal interests and shall incorporate such plan into the Federal study if the Secretary determines that such plan is consistent with Federal standards.

**SEC. 4015. LYTLE CREEK, RIALTO, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and groundwater recharge, Lytle Creek, Rialto, California.

**SEC. 4016. MOKELUMNE RIVER, SAN JOAQUIN COUNTY, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply along the Mokelumne River, San Joaquin County, California.

(b) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

**SEC. 4017. NAPA RIVER, ST. HELENA, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall conduct a comprehensive study of the Napa River in the vicinity of St. Helena, California, for the purposes of improving flood management through reconnecting the river to its floodplain; restoring habitat, including riparian and aquatic habitat; improving fish passage and water quality; and restoring native plant communities.

(b) **PLANS AND DESIGNS.**—In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

**SEC. 4018. ORICK, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Orick, California. In conducting the study, the Secretary shall determine the feasibility of restoring or rehabilitating the Redwood Creek Levees, Humboldt County, California.

**SEC. 4019. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California.

**SEC. 4020. SACRAMENTO RIVER, CALIFORNIA.**

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

**SEC. 4021. SAN DIEGO COUNTY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, San Diego County, California, including a review of the feasibility of connecting 4 existing reservoirs to increase usable storage capacity.

**SEC. 4022. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) **COOPERATION.**—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) **REVIEW.**—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

**SEC. 4023. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.**

(a) **IN GENERAL.**—In conducting the South San Francisco Bay shoreline study, the Secretary shall—

(1) review the planning, design, and land acquisition documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests in developing recommendations for measures to provide flood protection of the South San Francisco Bay shoreline, restoration of the South San Francisco Bay salt ponds (including lands owned by the Department of the Interior), and other related purposes; and

(2) incorporate such planning, design, and land acquisition documents into the Federal study if the Secretary determines that such documents are consistent with Federal standards.

(b) **REPORT.**—Not later than December 31, 2008, the Secretary shall transmit a feasibility report for the South San Francisco Bay shoreline study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) **CREDIT.**—

(1) **IN GENERAL.**—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the South San Francisco Bay shoreline study the cost of work carried out by the non-Federal interest be-

fore the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) LIMITATION.—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

**SEC. 4024. TWENTYNINE PALMS, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Pinto Cove Wash, in the vicinity of Twentynine Palms, California.

**SEC. 4025. YUCCA VALLEY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, West Burnt Mountain basin, in the vicinity of Yucca Valley, California.

**SEC. 4026. BOULDER CREEK, BOULDER, COLORADO.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Boulder Creek floodplain, Colorado.

**SEC. 4027. ROARING FORK RIVER, BASALT, COLORADO.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and other purposes for the Roaring Fork River, Basalt, Colorado.

**SEC. 4028. DELAWARE AND CHRISTINA RIVERS AND SHELLPOT CREEK, WILMINGTON, DELAWARE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and related purposes along the Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

**SEC. 4029. COLLIER COUNTY BEACHES, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County, Florida.

**SEC. 4030. VANDERBILT BEACH LAGOON, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, water supply, and improvement of water quality at Vanderbilt Beach Lagoon, Florida.

**SEC. 4031. MERIWETHER COUNTY, GEORGIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Meriwether County, Georgia.

**SEC. 4032. TYBEE ISLAND, GEORGIA.**

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

**SEC. 4033. KAUKONAHUA-HELEMANO WATERSHED, OAHU, HAWAII.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Kaukonahua-Helemano watershed, Oahu, Hawaii.

**SEC. 4034. WEST MAUI, MAUI, HAWAII.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection, West Maui, Maui, Hawaii.

**SEC. 4035. BOISE RIVER, IDAHO.**

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified—

(1) to add ecosystem restoration and water supply as project purposes to be studied; and

(2) to require the Secretary to credit toward the non-Federal share of the cost of the study the cost, not to exceed \$500,000, of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 4036. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Ballard's Island, Illinois.

**SEC. 4037. CHICAGO, ILLINOIS.**

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

**SEC. 4038. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

**SEC. 4039. UTICA, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the vicinity of Utica, Illinois.

**SEC. 4040. LAKE AND PORTER COUNTIES, INDIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration along Lake Michigan, Hammond, Whiting, East Chicago, Gary, and Portage, Indiana.

**SEC. 4041. SALEM, INDIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide an additional water supply source for Salem, Indiana.

**SEC. 4042. BUCKHORN LAKE, KENTUCKY.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction, Buckhorn Lake, Kentucky, authorized by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to add ecosystem restoration, recreation, and improved access as project purposes, including permanently raising the winter pool elevation of the project.

(b) **IN-KIND CONTRIBUTIONS.**—The non-Federal interest may provide the non-Federal share of the cost of the study in the form of services, materials, supplies, or other in-kind contributions.

**SEC. 4043. DEWEY LAKE, KENTUCKY.**

The Secretary shall conduct a study to determine the feasibility of modifying the project for Dewey Lake, Kentucky, to add water supply as a project purpose.

**SEC. 4044. LOUISVILLE, KENTUCKY.**

The Secretary shall conduct a study of the project for flood control, Louisville, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to investigate measures to address the rehabilitation of the project.

**SEC. 4045. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Bastrop-Morehouse Parish, Louisiana.

**SEC. 4046. OFFSHORE OIL AND GAS FABRICATION PORTS, LOUISIANA.**

(a) **BENEFITS.**—In conducting a feasibility study for each of the following projects for navigation, the Secretary shall include in the calculation of national economic development benefits all economic benefits associated with contracts for new energy exploration and contracts for the fabrication of energy infrastructure that would result from carrying out the project:

(1) Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, being conducted under section 430 of the Water Resources Development Act of 2000 (114 Stat. 2639).

(2) Iberia Port, Louisiana, being conducted under section 431 of the Water Resources Development Act of 2000 (114 Stat. 2639).

(b) **REPEAL.**—Section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282) is repealed.

**SEC. 4047. VERMILION RIVER, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation on the Vermilion River, Louisiana, from the intersection of the Vermilion River and the Gulf Intracoastal Waterway to the industrial area north of the Vermilion River.

**SEC. 4048. WEST FELICIANA PARISH, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation,

and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

**SEC. 4049. PATAPSCO RIVER, MARYLAND.**

The Secretary shall conduct a study to determine and assess the impact of debris in the Patapsco River basin, Maryland, on wetlands, water quality, and public health and to identify management measures to reduce the inflow of debris into the Patapsco River.

**SEC. 4050. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.**

The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

**SEC. 4051. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on Ore Lake and the Huron River for Hamburg and Green Oak Townships, Michigan.

**SEC. 4052. ST. CLAIR RIVER, MICHIGAN.**

(a) **IN GENERAL.**—The Secretary shall carry out a study of the relationships among dredging of the St. Clair River for navigation, erosion in the river, and declining water levels in the river and in Lake Michigan and Lake Huron.

(b) **RECOMMENDATIONS.**—The report on the results of the study may include recommendations to address water level declines in Lake Michigan and Lake Huron.

**SEC. 4053. DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.**

(a) **IN GENERAL.**—The Secretary shall conduct a study and prepare a report to evaluate the integrity of the bulkhead system located on and in the vicinity of Duluth-Superior Harbor, Duluth, Minnesota, and Superior, Wisconsin.

(b) **CONTENTS.**—The report shall include—

- (1) a determination of causes of corrosion of the bulkhead system;
- (2) recommendations to reduce corrosion of the bulkhead system;
- (3) a description of the necessary repairs to the bulkhead system; and
- (4) an estimate of the cost of addressing the causes of the corrosion and carrying out necessary repairs.

**SEC. 4054. WILD RICE RIVER, MINNESOTA.**

The Secretary shall review the project for flood protection and other purposes on Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature.

**SEC. 4055. MISSISSIPPI COASTAL AREA, MISSISSIPPI.**

The Secretary shall conduct a study to determine the feasibility of making improvements or modifications to existing improvements in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of salt-water intrusion, preservation of fish and wildlife, prevention of erosion, and other related water resource purposes.

**SEC. 4056. NORTHEAST MISSISSIPPI.**

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

**SEC. 4057. ST. LOUIS, MISSOURI.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, St. Louis, Missouri, to restore or rehabilitate the levee system feature of the project for flood protection, St. Louis, Missouri, authorized by the first section of the Act entitled “An Act authorizing construction of certain public works on the Mississippi River for the protection of Saint Louis, Missouri”, approved August 9, 1955 (69 Stat. 540).

**SEC. 4058. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project in the vicinity of the Atlantic Intracoastal Waterway, New Jersey, for the construction of a dredged material disposal transfer facility to make dredged material available for beneficial reuse.

**SEC. 4059. BAYONNE, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Kill Van Kull, Bayonne, New Jersey.

**SEC. 4060. CARTERET, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Raritan River, Carteret, New Jersey.

**SEC. 4061. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements in the Elizabeth River watershed, Elizabeth, New Jersey.

**SEC. 4062. GLOUCESTER COUNTY, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gloucester, New Jersey, including the feasibility of restoring the flood protection dikes in Gibbstown, New Jersey, and the associated tidegates in Gloucester, New Jersey.

**SEC. 4063. PERTH AMBOY, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Arthur Kill, Perth Amboy, New Jersey.

**SEC. 4064. WRECK POND, MONMOUTH COUNTY, NEW JERSEY.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration at Wreck Pond, New Jersey, including Black Creek and associated waters.

**SEC. 4065. BATAVIA, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower and related purposes in the vicinity of Batavia, New York.

**SEC. 4066. BIG SISTER CREEK, EVANS, NEW YORK.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Big Sister Creek, Evans, New York.

(b) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study, the Secretary shall evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

**SEC. 4067. EAST CHESTER BAY, TURTLE COVE, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, East Chester Creek, Chester Bay, Turtle Cove, New York.

**SEC. 4068. FINGER LAKES, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection, Finger Lakes, New York, to address water quality and invasive species.

**SEC. 4069. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.**

In conducting the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

**SEC. 4070. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and shoreline protection in the vicinity of Gallagher Beach, Lake Erie Shoreline, Buffalo, New York.

**SEC. 4071. NEWTOWN CREEK, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements on Newtown Creek, Brooklyn and Queens, New York.

**SEC. 4072. NIAGARA RIVER, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for a low-head hydroelectric generating facility in the Niagara River, New York.

**SEC. 4073. UPPER DELAWARE RIVER WATERSHED, NEW YORK.**

Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) and with the consent of the affected local government, a nonprofit organization may serve as the non-Federal interest for a study for the Upper Delaware River watershed, New York, being carried out under Committee Resolution 2495 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted May 9, 1996.

**SEC. 4074. LINCOLN COUNTY, NORTH CAROLINA.**

The Secretary shall conduct a study of existing water and water quality-related infrastructure in Lincoln County, North Carolina, to assist local interests in determining the most efficient and effective way to connect county infrastructure.

**SEC. 4075. WILKES COUNTY, NORTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Wilkes County, North Carolina.

**SEC. 4076. YADKINVILLE, NORTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Yadkinville, North Carolina.

**SEC. 4077. CINCINNATI, OHIO.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration and recreation on the Ohio River, Cincinnati, Ohio.

(b) **DESIGN.**—While conducting the study, the Secretary may continue to carry out design work for the project as authorized by section 118 of division H of the Consolidated Appropriations Act, 2004 (118 Stat. 439).

(c) **EXISTING PLANS.**—In conducting the study, the Secretary shall review the Central Riverfront Park Master Plan, dated December 1999, and incorporate any components of the plan that the Secretary determines are consistent with Federal standards.

(d) **CREDIT.**—

(1) **IN GENERAL.**—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) **LIMITATION.**—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

**SEC. 4078. EUCLID, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, ecosystem restoration, and recreation on Lake Erie, in the vicinity of the Euclid Lakefront, Euclid, Ohio.

**SEC. 4079. LAKE ERIE, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for power generation at confined disposal facilities along Lake Erie, Ohio.

**SEC. 4080. OHIO RIVER, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

**SEC. 4081. SUTHERLIN, OREGON.**

(a) **STUDY.**—The Secretary shall conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using a combination of structural and bioengineering techniques and, if the Secretary determines that the project is feasible, the Secretary may carry out the project.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000.

**SEC. 4082. TILLAMOOK BAY AND BAR, OREGON.**

The Secretary shall conduct a study of the project for navigation, Tillamook Bay and Bar, Oregon, authorized by the first section of the River and Harbor Appropriations Act of July 25, 1912 (37 Stat. 220), to investigate measures to address dangerous and hazardous wave and ocean conditions.

**SEC. 4083. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.**

(a) **STUDY.**—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) **REQUIREMENTS.**—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 to carry out this subsection.

**SEC. 4084. WALLA WALLA RIVER BASIN, OREGON.**

In conducting the study of determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon, the Secretary shall—

(1) credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

**SEC. 4085. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chartiers Creek watershed, Pennsylvania.

**SEC. 4086. KINZUA DAM AND ALLEGHENY RESERVOIR, PENNSYLVANIA.**

The Secretary shall conduct a study of the project for flood control, Kinzua Dam and Allegheny Reservoir, Warren, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), and modified by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1215), section 2 of the Flood Control Act of August 18, 1941 (55 Stat. 646), and section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 887), to review operations of and identify modifications to the project to expand recreational opportunities.

**SEC. 4087. NORTH CENTRAL PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out project for aquatic ecosystem restoration and protection in Warren, McKean, Potter, Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jefferson, Clarion, Venango, Forest, Clinton, Crawford, and Mifflin Counties, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

**SEC. 4088. NORTHAMPTON AND LEHIGH COUNTIES STREAMS, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, floodplain management, flood damage reduction, water quality control, and watershed management, for the streams of Northampton and Lehigh Counties, Pennsylvania.

**SEC. 4089. WESTERN PENNSYLVANIA FLOOD DAMAGE REDUCTION.**

(a) **IN GENERAL.**—The Secretary shall conduct a study of structural and non-structural flood damage reduction, stream bank protection, storm water management, channel clearing and modification, and watershed coordination measures in the Mahoning River basin, Pennsylvania, the Allegheny River basin, Pennsylvania, and the Upper Ohio River basin, Pennsylvania, to provide a level of flood protection sufficient to prevent future losses to communities located in such basins from flooding such as occurred in September 2004, but not less than a 100-year level of flood protection.

(b) **PRIORITY COMMUNITIES.**—In carrying out this section, the Secretary shall give priority to the following Pennsylvania communities: Marshall Township, Ross Township, Shaler Township, Jackson Township, Harmony, Zelienople, Darlington Township, Houston Borough, Chartiers Township, Washington, Canton Township, Tarentum Borough, and East Deer Township.

**SEC. 4090. WILLIAMSPORT, PENNSYLVANIA.**

The Secretary shall conduct a study of the project for flood control, Williamsport, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), to investigate measures to rehabilitate the project.

**SEC. 4091. YARDLEY BOROUGH, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, at Yardley Borough, Pennsylvania, including the alternative of raising River Road.

**SEC. 4092. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to reevaluate the project for flood damage reduction and water supply, Rio Valenciano, Juncos, Puerto Rico, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197) and section 204 of the Flood Control Act of 1970 (84 Stat. 1828), to determine the feasibility of carrying out the project.

(b) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 4093. CROOKED CREEK, BENNETTSVILLE, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Crooked Creek, Bennettsville, South Carolina.

**SEC. 4094. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Broad River, York County, South Carolina.

**SEC. 4095. GEORGETOWN AND WILLIAMSBURG COUNTIES, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg Counties, South Carolina, including the viability and practicality of constructing a desalinization water treatment facility to meet such water supply needs.

**SEC. 4096. CHATTANOOGA, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chattanooga Creek, Dobbs Branch, Chattanooga, Tennessee.

**SEC. 4097. CLEVELAND, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Cleveland, Tennessee.

**SEC. 4098. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for recreation on, riverbank protection for, and environmental protection of, the Cumberland River and riparian habitats in the city of Nashville and Davidson County, Tennessee.

**SEC. 4099. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Lewis, Lawrence, and Wayne Counties, Tennessee.

**SEC. 4100. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS TENNESSEE.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along Wolf River and Nonconnah Creek, in the vicinity of Memphis, Tennessee, to include the repair, replacement, rehabilitation, and restoration of the following pumping stations: Cypress Creek, Nonconnah Creek, Ensley, Marble Bayou, and Bayou Gayoso.

**SEC. 4101. ABILENE, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Abilene, Texas.

**SEC. 4102. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.**

(a) **IN GENERAL.**—The Secretary shall develop a comprehensive plan to determine the feasibility of carrying out projects for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of the State of Texas.

(b) **SCOPE.**—The comprehensive plan shall provide for the protection, conservation, and restoration of wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(c) **DEFINITION.**—For purposes of this section, the term “coastal areas in the State of Texas” means the coastal areas of the State of Texas from the Sabine River on the east to the Rio Grande River on the west and includes tidal waters, barrier islands, marches, coastal wetlands, rivers and streams, and adjacent areas.

**SEC. 4103. FORT BEND COUNTY, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Fort Bend County, Texas.

**SEC. 4104. HARRIS COUNTY, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Harris County, Texas.

**SEC. 4105. PORT OF GALVESTON, TEXAS.**

The Secretary shall conduct a study of the feasibility of carrying out a project for dredged material disposal in the vicinity of the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666).

**SEC. 4106. ROMA CREEK, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Roma Creek, Texas.

**SEC. 4107. WALNUT CREEK, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, and erosion control, Walnut Creek, Texas.

**SEC. 4108. GRAND COUNTY AND MOAB, UTAH.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

**SEC. 4109. SOUTHWESTERN UTAH.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Santa Clara River, Washington, Iron, and Kane Counties, Utah.

**SEC. 4110. CHOWAN RIVER BASIN, VIRGINIA AND NORTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, navigation, and erosion control, Chowan River basin, Virginia and North Carolina.

**SEC. 4111. JAMES RIVER, RICHMOND, VIRGINIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction for the James River in the vicinity of Richmond, Virginia, including the Shockoe Bottom area.

**SEC. 4112. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

(a) **IN GENERAL.**—The study for rehabilitation of the Elliott Bay Seawall, Seattle, Washington, being carried out under Committee Resolution 2704 of the Committee on Transportation and Infrastructure of the House of Representatives adopted September 25, 2002, is modified to include a determination of the feasibility of reducing future damage to the seawall from seismic activity.

(b) **ACCEPTANCE OF CONTRIBUTIONS.**—In carrying out the study, the Secretary may accept contributions in excess of the non-Federal share of the cost of the study from the non-Federal interest to the extent that the Secretary determines that the contributions will facilitate completion of the study.

(c) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the value of contributions accepted by the Secretary under subsection (b).

**SEC. 4113. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River Basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie, West Virginia, particularly as related to abandoned mine drainage abatement.

**SEC. 4114. KENOSHA HARBOR, WISCONSIN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kenosha Harbor, Wisconsin, including the extension of existing piers.

**SEC. 4115. WAUWATOSA, WISCONSIN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin, and greater Milwaukee watersheds, Wisconsin.

## **TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

(a) **IN GENERAL.**—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

- (1) Manatee Harbor basin, Florida.
- (2) Bayou LaFourche Channel, Port Fourchon, Louisiana.
- (3) Calcasieu River at Devil's Elbow, Louisiana.
- (4) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.
- (5) Pix Bayou Navigation Channel, Chambers County, Texas.
- (6) Racine Harbor, Wisconsin.

(b) **COMPLETION OF ASSESSMENT.**—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

**SEC. 5002. WATERSHED MANAGEMENT.**

(a) **IN GENERAL.**—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) **SPECIFIC MEASURES.**—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

- (1) Management and restoration of water quality.
- (2) Control and remediation of toxic sediments.
- (3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.
- (4) Protection and restoration of watersheds, including urban watersheds.
- (5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

(c) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) **PROJECT LOCATIONS.**—The locations referred to in subsection (a) are the following:

- (1) Cucamonga basin, Upland, California.
- (2) Charlotte Harbor watershed, Florida.
- (3) Big Creek watershed, Roswell, Georgia.
- (4) Those portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers lying within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia.
- (5) Kinkaid Lake, Jackson County, Illinois.
- (6) Amite River basin, Louisiana.
- (7) East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana.
- (8) Red River watershed, Louisiana.
- (9) Taunton River basin, Massachusetts.
- (10) Lower Platte River watershed, Nebraska.
- (11) Rio Grande watershed, New Mexico.
- (12) Marlboro Township, New Jersey.
- (13) Buffalo River watershed, New York.

- (14) Cattaraugus Creek watershed, New York.
- (15) Eighteenmile Creek watershed, Niagara County, New York.
- (16) Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York.
- (17) Genesee River watershed, New York.
- (18) Greenwood Lake watershed, New York and New Jersey.
- (19) Long Island Sound watershed, New York.
- (20) Oswego River basin, New York.
- (21) Ramapo River watershed, New York.
- (22) Tonawanda Creek watershed, New York.
- (23) Tuscarawas River basin, Ohio.
- (24) Western Lake Erie basin, Ohio.
- (25) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.
- (26) Otter Creek watershed, Pennsylvania.
- (27) Unami Creek watershed, Milford Township, Pennsylvania.
- (28) Sauk River basin, Washington.
- (29) Greater Milwaukee watersheds, Wisconsin.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000.

#### SEC. 5003. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

- (1) Fish Creek Dam, Blaine County, Idaho.
- (A) Hamilton Dam, Saginaw River, Flint, Michigan.
- (B) Candor Dam, Candor, New York.
- (C) State Dam, Auburn, New York.
- (D) Whaley Lake Dam, Pawling, New York.
- (E) Ingham Spring Dam, Solebury Township, Pennsylvania.
- (F) Leaser Lake Dam, Lehigh County, Pennsylvania.
- (G) Stillwater Dam, Monroe County, Pennsylvania.
- (H) Wissahickon Creek Dam, Montgomery County, Pennsylvania.

(b) SPECIAL RULE.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) FERN RIDGE DAM, OREGON.—It is the sense of Congress that the Secretary should immediately carry out a project to remedy the situation at Fern Ridge Dam, Oregon, due to the rapid deterioration of the dam. Cost sharing for the project shall be as provided by section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n).

(d) KEHLY RUN DAMS, PENNSYLVANIA.—Section 504(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 338; 117 Stat. 1842) is amended by striking “Dams” and inserting “Dams No. 1–5”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) \$6,000,000.

#### SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall evaluate under subsection (a) the following projects:

- (1) Project for flood damage reduction, Arkansas River Levees, river mile 205 to river mile 308.4, Arkansas.
- (2) Project for flood damage reduction, Nonconnah Creek, Tennessee.

#### SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

(a) IN GENERAL.—Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

- (1) by striking “and” at the end of paragraphs (23) and (27);
- (2) by striking the period at the end of paragraph (28) and inserting a semicolon; and
- (3) by adding at the end the following:

- “(29) Ascension Parish, Louisiana;
- “(30) East Baton Rouge Parish, Louisiana;
- “(31) Iberville Parish, Louisiana;
- “(32) Livingston Parish, Louisiana; and
- “(33) Pointe Coupee Parish, Louisiana.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by striking “section—” and all that follows before the period at the end and inserting “section \$20,000,000”.

**SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.**

(a) **IN GENERAL.**—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

- (1) by striking “and” at the end of paragraph (7);
- (2) by striking the period at the end of paragraph (8) and inserting a semicolon; and
- (3) by adding at the end the following:
  - “(9) \$35,000,000 for the project described in subsection (c)(18);
  - “(10) \$20,000,000 for the project described in subsection (c)(20);
  - “(11) \$35,000,000 for the project described in subsection (c)(23);
  - “(12) \$20,000,000 for the project described in subsection (c)(25);
  - “(13) \$20,000,000 for the project described in subsection (c)(26);
  - “(14) \$35,000,000 for the project described in subsection (c)(27);
  - “(15) \$20,000,000 for the project described in subsection (c)(28); and
  - “(16) \$30,000,000 for the project described in subsection (c)(40).”.

(b) **EAST ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.**—Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (114 Stat. 2763A–219) if such assistance is authorized to be used for such purposes.

**SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports and, if the Secretary determines the project is feasible, shall expedite completion of construction for the following projects:

- (1) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
- (2) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
- (3) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
- (4) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).
- (5) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).
- (6) Newton Creek, Bainbridge, New York, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).
- (7) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

**SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.**

(a) **IN GENERAL.**—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

- (1) Project for water supply, Little Red River, Arkansas.
- (2) Project for shoreline stabilization at Egmont Key, Florida.
- (3) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.
- (4) Project for hurricane and storm damage reduction, Montauk Point, New York.

(b) **SPECIAL RULE FOR EGMONT KEY, FLORIDA.**—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(2), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

(c) SPECIAL RULE FOR MONTAUK POINT, NEW YORK.—The Secretary shall complete the report for the project referred to in subsection (a)(4) not later than September 30, 2005, notwithstanding the ownership of the property to be protected.

**SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.**

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.

(b) COOPERATIVE AGREEMENTS.—In carrying out the assessment, the Secretary may enter into cooperative agreements with State and local agencies, non-Federal and nonprofit entities, and regional researchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$7,000,000 to carry out this section.

**SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.**

Section 1103(e)(7) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

(1) by adding at the end of subparagraph (A) the following: “The non-Federal interest may provide the non-Federal share of the cost of the project in the form of in-kind services and materials.”; and

(2) by inserting after subparagraph (B) the following:

“(C) Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”.

**SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking “and 2004” and inserting “through 2015”.

**SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.**

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646) is amended by striking “50 percent” and inserting “100 percent”.

**SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.**

Section 401(c) of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is amended by striking “2006” and inserting “2011”.

**SEC. 5014. GREAT LAKES TRIBUTARY MODEL.**

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking “2006” and inserting “2011”.

**SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.**

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and section 2.2 of both the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2005 and thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, who shall serve without additional compensation and who may designate an alternate member or members in accordance with the terms of those respective compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary may allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of their respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

**SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

(a) FORM OF ASSISTANCE.—Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by striking “, and beneficial uses of dredged material” and inserting “, beneficial uses of dredged material, and restoration of submerged aquatic vegetation”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 510(i) of such Act (110 Stat. 3761) is amended by striking “\$10,000,000” and inserting “\$50,000,000”.

**SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.**

The second sentence of section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by striking “\$20,000,000” and inserting “\$30,000,000”.

**SEC. 5018. HYPOXIA ASSESSMENT.**

The Secretary may participate with Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico.

**SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND TRIBUTARY STRATEGY EVALUATION AND MONITORING PROGRAM.**

The Secretary may participate in the Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program to identify a series of resource management indicators to accurately monitor the effectiveness of the implementation of the agreed upon tributary strategies and other public policies that pertain to natural resource protection of the Potomac River watershed.

**SEC. 5020. LOCK AND DAM SECURITY.**

(a) **STANDARDS.**—The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) **SITE SURVEYS.**—At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursable basis, to improve lock or dam security.

(c) **COOPERATIVE AGREEMENT.**—The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$3,000,000 to carry out this section.

**SEC. 5021. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary’s evaluation indicates that applying such section is necessary to implement the project.

**SEC. 5022. TALLAPOOSA, ALABAMA.**

The Secretary may provide technical assistance relating to water supply to the Middle Tallapoosa Water Supply District, Alabama. There is authorized to be appropriated \$5,000,000 to carry out this section.

**SEC. 5023. ALASKA.**

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (c) by inserting “environmental restoration,” after “water supply and related facilities,”;

(2) in subsection (e)(3)(B) by striking the last sentence;

(3) in subsection (h) by striking “\$25,000,000” and inserting “\$45,000,000”; and

(4) by adding at the end the following:

“(i) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

“(j) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 5024. BARROW, ALASKA.**

The Secretary shall carry out, under section 117 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2944), a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure.

**SEC. 5025. COFFMAN COVE, ALASKA.**

The Secretary is authorized to carry out a project for navigation, Coffman Cove, Alaska, at a total cost of \$3,000,000.

**SEC. 5026. FORT YUKON, ALASKA.**

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

**SEC. 5027. KOTZEBUE HARBOR, ALASKA.**

The Secretary is authorized to carry out a project for navigation, Kotzebue Harbor, Kotzebue, Alaska, at a total cost of \$2,200,000.

**SEC. 5028. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

(a) LONG-TERM MAINTENANCE AND REPAIR.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) STUDY.—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

**SEC. 5029. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.**

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

**SEC. 5030. TANANA RIVER, ALASKA.**

The Secretary shall carry out, on an emergency basis, the removal of the hazard to navigation on the Tanana River, Alaska, near the mouth of the Chena River, as described in the January 3, 2005, memorandum from the Commander, Seventeenth Coast Guard District, to the Corps of Engineers, Alaska District, Anchorage, Alaska.

**SEC. 5031. VALDEZ, ALASKA.**

The Secretary is authorized to construct a small boat harbor in Valdez, Alaska, at a total cost of \$20,000,000, with an estimated Federal cost of \$10,500,000 and an estimated non-Federal cost of \$9,500,000.

**SEC. 5032. WHITTIER, ALASKA.**

(a) STUDY.—The Secretary shall conduct, at Federal expense, a study to determine the feasibility of carrying out projects for navigation at Whittier, Alaska, to construct a new boat harbor at the head of Whittier Bay and to expand the existing harbor and, if the Secretary determines that a project is feasible, the Secretary may carry out the project.

(b) NON-FEDERAL COST SHARE.—The non-Federal interest may use, and the Secretary shall accept, funds provided under any other Federal program to satisfy, in whole or in part, the non-Federal share of the construction of any project carried out under this section if such funds are authorized to be used to carry out such project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$35,200,000.

**SEC. 5033. WRANGELL HARBOR, ALASKA.**

(a) GENERAL NAVIGATION FEATURES.—In carrying out the project for navigation, Wrangell Harbor, Alaska, authorized by section 101(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 279), the Secretary shall consider the dredging of the mooring basin and construction of the inner harbor facilities to be general navigation features for purposes of estimating the non-Federal share of project costs.

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for the project to reflect the change required by subsection (a).

**SEC. 5034. AUGUSTA AND CLARENDON, ARKANSAS.**

(a) IN GENERAL.—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) REIMBURSEMENT.—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

**SEC. 5035. DES ARC LEVEE PROTECTION, ARKANSAS.**

The Secretary shall review the project for flood control, Des Arc, Arkansas, to determine whether bank and channel scour along the White River threaten the existing project and whether the scour is as a result of a design deficiency. If the Secretary determines that such conditions exist as a result of a deficiency, the Secretary shall carry out measures to eliminate the deficiency.

**SEC. 5036. HELENA AND VICINITY, ARKANSAS.**

The Secretary shall accept as fulfilling the non-Federal cost-sharing responsibilities for the project for flood control, Helena and Vicinity, Arkansas, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4112), the non-Federal cash contribution of \$568,000 and the lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal sponsor as of September 1, 2003, and the Secretary shall not seek to recover any reimbursement from the non-Federal sponsor related to advanced payments to, or work performed for, the non-Federal sponsor under the authority of sections 103 and 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2214).

**SEC. 5037. LOOMIS LANDING, ARKANSAS.**

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

**SEC. 5038. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.**

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River Basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

**SEC. 5039. WHITE RIVER BASIN, ARKANSAS.****(a) MINIMUM FLOWS.—**

(1) **IN GENERAL.**—In carrying out section 304 of the Water Resources Development Act of 2000 (114 Stat. 2601), the Secretary shall implement alternatives BS-3 and NF-7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

(2) **COST SHARING.**—Reallocation of storage and installation of facilities under this subsection shall be considered fish and wildlife enhancement that provides national benefits and shall be a Federal expense in accordance with section 906(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)(1)).

(3) **OFFSET.**—In carrying out this subsection, losses to hydropower shall be offset by a reduction, not to exceed \$17,000,000, in the costs allocated to hydropower, as determined by the present value of the estimated replacement cost of the electrical energy and capacity at the time of the implementation.

(b) **FISH HATCHERY.**—In operating the fish hatchery at Beaver Lake, Arkansas, authorized by section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921), losses to hydropower shall be offset by a reduction, not to exceed \$2,200,000, in the costs allocated to hydropower, as determined by the present value of the estimated replacement cost of the electrical energy and capacity at the time of the implementation.

(c) **REPEAL.**—Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is repealed.

**SEC. 5040. CAMBRIA, CALIFORNIA.**

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking “\$10,300,000” and inserting the following:

“(A) **IN GENERAL.**—\$10,300,000”;

(2) by adding at the end the following:

“(B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.”; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 5041. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.**

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: “All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.”.

**SEC. 5042. DANA POINT HARBOR, CALIFORNIA.**

The Secretary shall conduct a study of the causes of water quality degradation within Dana Point Harbor, California, to determine if the degradation is the result of a Federal navigation project, and, if the Secretary determines that the degradation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the degradation at Federal expense.

**SEC. 5043. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

Section 219(f)(22) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended—

(1) by striking “\$25,000,000” and inserting the following:

“(A) IN GENERAL.—\$25,000,000”;

(2) by adding at the end the following:

“(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of provided for the project by the non-Federal interest.

“(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.”; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 5044. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

Section 111(c) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554; 114 Stat. 2763A-224) is amended—

(1) by striking “\$25,000,000” and inserting “\$28,000,000”; and

(2) by striking “\$7,000,000” and inserting “\$10,000,000”.

**SEC. 5045. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall review the Kings River Fisheries Management Program Framework Agreement, dated May 29, 1999, among the California Department of Fish and Game, the Kings River Water Association, and the Kings River Conservation District and, if the Secretary determines that the management program is feasible, the Secretary may participate in the management program.

(b) PROHIBITION.—Nothing in this section authorizes any project for the raising of, or the construction of, a multilevel intake structure at Pine Flat Dam, California.

(c) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the Report of the Chief of Engineers, Pine Flat Dam and Reservoir, Fresno County, California, dated July 19, 2002.

(d) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to \$20,000,000 to carry out this section.

**SEC. 5046. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.**

(a) IN GENERAL.—The Secretary is authorized to transfer title to the Bascule Bridge, deauthorized by section 347(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2618), to the city of West Sacramento, California, subject to the execution of an agreement by the Secretary and the city which specifies the terms and conditions for such transfer. The terms and conditions of the transfer shall include a provision authorizing the Secretary to participate in the construction of a replacement bridge following the removal of the Bascule Bridge.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated \$5,000,000 for the Secretary to participate in the construction of a replacement bridge under this section.

**SEC. 5047. SAN FRANCISCO, CALIFORNIA.**

(a) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repair and removal, as appropriate, of Piers 35, 36, and 80 in San Francisco, California, substantially in accordance with the Port’s redevelopment plan.

(1) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated \$20,000,000 to carry out this subsection.

**SEC. 5048. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.**

(a) **AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.**—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) **NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.**—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northeasterly prolongation of that portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet distant from the existing southern boundary of Pier 40 produced to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) **REQUIREMENT THAT AREA BE IMPROVED.**—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) **EXPIRATION DATE.**—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

**SEC. 5049. SANTA VENETIA, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1958 (33 U.S.C. 701s), Santa Venetia, California, if the Secretary determines that the project is feasible.

(b) **PROJECT FINANCING.**—In carrying out the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 5050. STOCKTON, CALIFORNIA.**

(a) **REEVALUATION.**—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) **SPECIAL RULES FOR REEVALUATION.**—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on one or more of the policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) **REIMBURSEMENT.**—If the Secretary determines that the elements referred to in subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

**SEC. 5051. VICTOR V. VEYSEY DAM, CALIFORNIA.**

(a) DESIGNATION.—The Prado Dam, authorized by the Flood Control Act of 1936 (49 Stat. 1570), shall be known and designated as the “Victor V. Veysey Dam”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to in subsection (a) shall be deemed to be a reference to the “Victor V. Veysey Dam”.

**SEC. 5052. WHITTIER, CALIFORNIA.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) in the vicinity of Whittier, California, if the Secretary determines that the project is feasible.

**SEC. 5053. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.**

(a) DESIGNATION.—The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the “Charles Hervey Townshend Breakwater”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the breakwater referred to in subsection (a) shall be deemed to be a reference to the “Charles Hervey Townshend Breakwater”.

**SEC. 5054. CHRISTINA RIVER SHIPWRECK, DELAWARE.**

The Secretary may carry out the removal of the debris associated with the steamship “STATE OF PENNSYLVANIA” and other derelict vessels from the Christina River, Delaware, under section 202 of the Water Resources Development Act of 1976 (90 Stat. 2945).

**SEC. 5055. ANACOSTIA RIVER, DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA.**

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the Governor of Virginia, the County Executives of Montgomery County and Prince George’s County, Maryland, and other interested persons, shall develop a 10-year comprehensive action plan for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—Upon completion of the plan, the Secretary shall make the plan available to the public.

**SEC. 5056. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

Section 109(e)(2) of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended by adding at the end the following:

“(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.”.

**SEC. 5057. LAKE WORTH, FLORIDA.**

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of \$9,000,000.

**SEC. 5058. LAKE LANIER, GEORGIA.**

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, at a total cost of \$5,300,000.

**SEC. 5059. RILEY CREEK RECREATION AREA, IDAHO.**

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

**SEC. 5060. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.**

(a) IN GENERAL.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) COST SHARING.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same non-Federal

share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) RECONSTRUCTION DEFINED.—In this section, the term “reconstruction”, as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) ELIGIBLE PROJECTS.—The following flood control projects are eligible for reconstruction under this section:

- (1) Clear Creek Drainage and Levee District, Illinois.
- (2) Fort Chartres and Ivy Landing Drainage District, Illinois.
- (3) Wood River Drainage and Levee District, Illinois.
- (4) Cairo, Illinois Mainline Levee, Cairo, Illinois.
- (5) Goose Pond Pump Station, Cairo, Illinois.
- (6) Cottonwood Slough Pump Station, Alexander County, Illinois.
- (7) 10th and 28th Street Pump Stations, Cairo, Illinois.
- (8) Flood control levee projects in Brookport, Shawneetown, Old Shawneetown, Golconda, Rosiclare, Harrisburg, and Reevesville, Illinois.

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

- (1) \$15,000,000 to carry out the projects described in paragraphs (1) through (7) of subsection (d); and
- (2) \$15,000,000 to carry out the projects described in subsection (d)(8).

Such sums shall remain available until expended.

#### SEC. 5061. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) KASKASKIA RIVER BASIN DEFINED.—In this section, the term “Kaskaskia River Basin” means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River Basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

- (A) to enhance the Kaskaskia River as a transportation corridor;
- (B) to improve water quality within the entire Kaskaskia River Basin;
- (C) to restore, enhance, and preserve habitat for plants and wildlife;
- (D) to increase economic opportunity for agriculture and business communities; and
- (E) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) the development and implementation of a computerized inventory and analysis system; and

(E) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) **ADDITIONAL STUDIES AND ANALYSES.**—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) **GENERAL PROVISIONS.**—

(1) **WATER QUALITY.**—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) **PUBLIC PARTICIPATION.**—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) **COORDINATION.**—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(e) **COST SHARING.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) **IN-KIND SERVICES.**—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River Basin.

**SEC. 5062. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER, CHICAGO, ILLINOIS.**

(a) **IN GENERAL.**—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas along the Little Calumet River, Chicago, Illinois.

(b) **REQUIREMENTS.**—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas along the Little Calumet River, Chicago, Illinois, in an electronic format.

(c) **PARTICIPATION OF FEMA.**—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) **FORMS OF ASSISTANCE.**—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) **FEDERAL SHARE.**—The Federal share of the cost of the project shall be 50 percent.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,000,000.

**SEC. 5063. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST, ILLINOIS.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), Natalie Creek, Midlothian and Oak Forest, Illinois, if the Secretary determines that the project is feasible.

**SEC. 5064. ILLINOIS RIVER BASIN RESTORATION.**

(a) **EXTENSION OF AUTHORIZATION.**—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking “2004” and inserting “2010”.

(b) **IN-KIND SERVICES.**—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence “if such services are

provided not more than 5 years before the date of initiation of the project or activity”.

(c) **NONPROFIT ENTITIES AND MONITORING.**—Section 519 of such Act (114 Stat. 2654) is amended by adding at the end the following:

“(h) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

“(i) **MONITORING.**—The Secretary shall develop an Illinois river basin monitoring program to support the plan referred to in subsection (b). Data collected under the monitoring program shall incorporate data provided by the State of Illinois and shall be publicly accessible through electronic means.”.

**SEC. 5065. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.**

In carrying out the project for storm damage reduction and shoreline erosion protection, Lake Michigan, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), the Secretary shall reevaluate the feasibility of reconstructing the Promontory Point section consistent with the original limestone step design.

**SEC. 5066. BURNS WATERWAY HARBOR, INDIANA.**

The Secretary shall conduct a study of shoaling in the vicinity of Burns Waterway Harbor, Indiana, to determine if the shoaling is the result of a Federal navigation project, and, if the Secretary determines that the shoaling is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the shoaling under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426).

**SEC. 5067. CALUMET REGION, INDIANA.**

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—

(1) by striking “\$30,000,000” and inserting the following:

“(A) **IN GENERAL.**—\$30,000,000”;

(2) by adding at the end the following:

“(B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.”; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 5068. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

(a) **IN GENERAL.**—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of Iowa, along the Missouri River.

(b) **REQUIREMENTS.**—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately portray the flood hazard areas in the floodplain. The maps shall be produced in a high resolution format and shall be made available to the State of Iowa in an electronic format.

(c) **PARTICIPATION OF FEMA.**—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) **FORMS OF ASSISTANCE.**—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) **FEDERAL SHARE.**—The Federal share of the cost of the project shall be 50 percent.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000.

**SEC. 5069. RATHBUN LAKE, IOWA.**

(a) **CONVEYANCE.**—The Secretary shall convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association (in this section referred to as the “Water Association”).

(b) **COST SHARING.**—Notwithstanding the Water Supply Act of 1958 (43 U.S.C. 390b), the Water Association shall pay 100 percent of the cost of the water supply storage allocation to be conveyed under subsection (a). The Secretary shall credit toward such non-Federal share the cost of any structures and facilities constructed by the Water Association at the project.

(c) **TERMS AND CONDITIONS.**—Before conveying the water supply storage allocation under subsection (a), the Secretary shall enter into an agreement with the Water Association, under which the Water Association shall agree to—

(1) in accordance with designs approved by the Chief of Engineers, construct structures and facilities referred to in subsection (b) that have a value equal to or greater than the amount that otherwise would be paid to the Federal Government for the costs of the water supply storage under the Water Supply Act of 1958 (43 U.S.C. 390b);

(2) be responsible for operating and maintaining the structures and facilities;

(3) pay all operation and maintenance costs allocated to the water supply storage space;

(4) use any revenues generated at the structures and facilities that are above those required to operate and maintain or improve the complex to undertake, subject to the approval of the Chief of Engineers, activities that will improve the quality of the environment in the Rathbun Lake watershed area; and

(5) such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

**SEC. 5070. CUMBERLAND RIVER BASIN, KENTUCKY.**

At reservoirs managed by the Secretary above Cumberland River mile 385.5 within the Cumberland River basin, Kentucky, the Secretary shall charge fees associated with storage and maintenance of water supply that do not exceed the fees in effect on October 1, 2002.

**SEC. 5071. LOUISVILLE, KENTUCKY.**

(a) **IN GENERAL.**—Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended—

(1) in the section heading by inserting “kentucky and” before “northern west virginia”; and

(2) by adding at the end the following:

“(4) **LOUISVILLE, KENTUCKY.**—Report of the Corps of Engineers entitled ‘Louisville Waterfront Park, Phase II, Kentucky, Master Plan’, dated July 22, 2002, at a total cost of \$32,000,000, with an estimated Federal cost of \$16,000,000 and an estimated non-Federal cost of \$16,000,000.”.

(b) **CONFORMING AMENDMENT.**—In the table of contents contained in section 1(b) of such Act strike the item relating to section 557 and insert the following:

“Sec. 557. Kentucky and Northern West Virginia.”.

**SEC. 5072. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

The Secretary shall conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal flood damage reduction project, and, if the Secretary determines that the damage is the result of a Federal flood damage reduction project, the Secretary shall carry out a project to mitigate the damage at Federal expense.

**SEC. 5073. NORTH FORK, KENTUCKY RIVER, BREATHTITT COUNTY, KENTUCKY.**

The Secretary shall rebuild the structure that is impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, in a manner that will reduce flood damages at an estimated total cost of \$1,800,000. The non-Federal interest shall provide lands, easements, rights-of-way, relocations, and disposal areas required for the project. Operation and maintenance of the rebuilt structure shall be a non-Federal expense.

**SEC. 5074. PADUCAH, KENTUCKY.**

The Secretary shall complete a feasibility report for rehabilitation of the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project at a total cost of \$3,000,000.

**SEC. 5075. SOUTHERN AND EASTERN KENTUCKY.**

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

“(i) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 5076. WINCHESTER, KENTUCKY.**

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended by adding at the end the following:

“(41) **WINCHESTER, KENTUCKY.**—Wastewater infrastructure, Winchester, Kentucky.”.

**SEC. 5077. BATON ROUGE, LOUISIANA.**

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking “\$20,000,000” and inserting “\$35,000,000”.

**SEC. 5078. CALCASIEU SHIP CHANNEL, LOUISIANA.**

The Secretary shall expedite completion of a dredged material management plan for the Calcasieu Ship Channel, Louisiana, and may take interim measures to increase the capacity of existing disposal areas, or to construct new confined or beneficial use disposal areas, for the channel.

**SEC. 5079. CROSS LAKE, SHREVEPORT, LOUISIANA.**

The Secretary may accept from the Department of the Air Force, and may use, not to exceed \$4,500,000 to assist the city of Shreveport, Louisiana, with its plan to construct a water intake facility.

**SEC. 5080. WEST BATON ROUGE PARISH, LOUISIANA.**

Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

“(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.”.

**SEC. 5081. CHARLESTOWN, MARYLAND.**

(a) **IN GENERAL.**—The Secretary may carry out a project for nonstructural flood damage reduction and ecosystem restoration at Charlestown, Maryland.

(b) **LAND ACQUISITION.**—The flood damage reduction component of the project may include the acquisition of private property from willing sellers.

(c) **JUSTIFICATION.**—Any nonstructural flood damage reduction project to be carried out under this section that will result in the conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits.

(d) **USE OF ACQUIRED PROPERTY.**—Property acquired under this section shall be maintained in public ownership for ecosystem restoration and wildlife habitat.

(e) **ABILITY TO PAY.**—In determining the appropriate non-Federal cost share for the project, the Secretary shall determine the ability of Cecil County, Maryland, to participate as a cost-sharing non-Federal interest in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$2,000,000 to carry out this section.

**SEC. 5082. DELMARVA CONSERVATION CORRIDOR, MARYLAND AND DELAWARE.**

(a) **ASSISTANCE.**—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) **COORDINATION AND INTEGRATION.**—In carrying out water resources projects in Maryland and Delaware on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

**SEC. 5083. MASSACHUSETTS DREDGED MATERIAL DISPOSAL SITES.**

The Secretary may cooperate with Massachusetts in the management and long-term monitoring of aquatic dredged material disposal sites within the State, and is authorized to accept funds from the State to carry out such activities.

**SEC. 5084. ONTONAGON HARBOR, MICHIGAN.**

The Secretary shall conduct a study of shore damage in the vicinity of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the Rivers and Harbors Act of 1962 (76 Stat. 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

**SEC. 5085. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

(a) **ECOSYSTEM RESTORATION.**—The Secretary shall carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, developed under section 426 of the Water

Resources Development Act of 1999 (113 Stat. 326), at a total Federal cost of not to exceed \$5,000,000.

(b) PLAN.—Section 426(d) of the Water Resources Development Act of 1999 (113 Stat. 326) is amended by striking “\$400,000” and inserting “\$475,000”.

**SEC. 5086. CROOKSTON, MINNESOTA.**

The Secretary shall conduct a study for a project for emergency streambank protection along the Red Lake River in Crookston, Minnesota, and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be \$6,500,000.

**SEC. 5087. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

(a) PROJECT DESCRIPTION.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking “TOWNSHIP” and inserting “TOWNSHIP AND CROW WING AND MILLE LACS COUNTIES”;

(2) by striking “\$11,000,000” and inserting “\$17,000,000”;

(3) by inserting “, Crow Wing County, Mille Lacs County,” after “Garrison”; and

(4) by adding at the end the following: “Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.”.

(b) PROCEDURES.—In carrying out the project authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

**SEC. 5088. MINNEAPOLIS, MINNESOTA.**

(a) CONVEYANCE.—The Secretary shall convey to the city of Minneapolis by quit-claim deed and without consideration all right, title, and interest of the United States to the property known as the War Department (Fort Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

(b) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

**SEC. 5089. NORTHEASTERN MINNESOTA.**

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking “Benton, Sherburne,” and inserting “Beltrami, Hubbard, Wadena,”;

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.”; and

(4) by adding at the end the following:

“(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

**SEC. 5090. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.**

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

**SEC. 5091. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled “Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors,

and for other purposes”, approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

**SEC. 5092. ST. LOUIS, MISSOURI.**

Section 219(f)(32) of the Water Resources Development Act of 1992 (113 Stat. 337) is amended by striking “\$15,000,000” and inserting “\$35,000,000”.

**SEC. 5093. ACID BROOK, POMPTON LAKES, NEW JERSEY.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), Acid Brook, Pompton Lakes, New Jersey, if the Secretary determines that the project is feasible.

**SEC. 5094. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking “design” and inserting “planning, design,”; and

(B) by striking “Hackensack Meadowlands Development” and all that follows through “Plan for” and inserting “New Jersey Meadowlands Commission for the development of an environmental improvement program for”;

(2) in subsection (b)—

(A) in the subsection heading by striking “REQUIRED”;

(B) by striking “shall” and inserting “may”;

(C) by striking paragraph (1) and inserting the following:

“(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.”;

(D) in paragraph (2) by inserting “and aquatic habitat” before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

“(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.”;

(3) in subsection (c) by inserting before the last sentence the following: “The non-Federal sponsor may also provide in-kind services, not to exceed the non-Federal share of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a).”; and

(4) in subsection (d) by striking “\$5,000,000” and inserting “\$35,000,000”.

**SEC. 5095. CENTRAL NEW MEXICO, NEW MEXICO.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by striking “\$25,000,000” and inserting “\$40,000,000”.

(b) **CORPS OF ENGINEERS EXPENSES.**—Section 593 of such Act (113 Stat. 381) is amended by adding at the end the following:

“(i) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 5096. ATLANTIC COAST OF NEW YORK.**

(a) **DEVELOPMENT OF PROGRAM.**—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking “processes” and inserting “and related environmental processes”;

(2) by inserting after “Atlantic Coast” the following: “(and associated back bays)”;

(3) by inserting after “actions” the following: “, environmental restoration or conservation measures for coastal and back bays,”; and

(4) by adding at the end the following: “The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.”.

(b) **ANNUAL REPORTS.**—Section 404(b) of such Act is amended—

(1) by striking “INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the” and inserting “ANNUAL REPORTS.—The”;

(2) by striking “initial plan for data collection and monitoring” and inserting “annual report of data collection and monitoring activities”; and

(3) by striking the last sentence.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 404(c) of such Act (113 Stat. 341) is amended by striking “and an additional total of \$2,500,000 for fiscal years thereafter” and inserting “\$2,500,000 for fiscal years 2000 through 2004, and \$7,500,000 for fiscal years beginning after September 30, 2004.”

(d) **TSUNAMI WARNING SYSTEM.**—Section 404 of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by adding at the end the following:

“(d) **TSUNAMI WARNING SYSTEM.**—There is authorized to be appropriated \$800,000 for the Secretary to carry out a project for a tsunami warning system, Atlantic Coast of New York.”.

**SEC. 5097. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639), the Secretary shall give priority to work in College Point, New York City, New York.

**SEC. 5098. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.**

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 5099. HUDSON RIVER, NEW YORK.**

The Secretary may participate with the State of New York, New York City, and the Hudson River Park Trust in carrying out activities to restore critical marine habitat, improve safety, and protect and rehabilitate critical infrastructure. There is authorized to be appropriated \$5,000,000 to carry out this section.

**SEC. 5100. MOUNT MORRIS DAM, NEW YORK.**

As part of the operation and maintenance of the Mount Morris Dam, New York, the Secretary may make improvements to the access road for the dam to provide safe access to a Federal visitor's center.

**SEC. 5101. ONONDAGA LAKE, NEW YORK.**

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f) by striking “\$10,000,000” and inserting “\$30,000,000”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

“(f) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”.

**SEC. 5102. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.**

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

**SEC. 5103. STANLY COUNTY, NORTH CAROLINA.**

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting “water and” before “wastewater”.

**SEC. 5104. W. KERR SCOTT DAM AND RESERVOIR, NORTH CAROLINA.**

The Secretary shall remove debris from the joint intake at the W. Kerr Scott Dam and Reservoir, North Carolina.

**SEC. 5105. OHIO.**

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended—

(1) in subsection (b) by striking “design and construction” and inserting “planning, design, and construction”;

(2) in subsection (g) by striking “\$60,000,000” and inserting “\$100,000,000”; and

(3) by adding at the end the following:

“(h) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project undertaken under this section,

a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”.

**SEC. 5106. TOUSSAINT RIVER, OHIO.**

(a) **IN GENERAL.**—The project for navigation, Toussaint River, Carroll Township, Ohio, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to authorize the Secretary to enter into an agreement with the non-Federal interest under which the Secretary may—

(1) acquire, and transfer to the non-Federal interest, a dredge and associated equipment with the capacity to perform operation and maintenance of the project; and

(2) provide the non-Federal interest with a lump-sum payment to cover all future costs of operation and maintenance of the project.

(b) **AGREEMENT.**—The Secretary may carry out subsection (a)(1) by entering into an agreement with the non-Federal interest under which the non-Federal interest may acquire the dredge and associated equipment directly and be reimbursed by the Secretary.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,800,000 to carry out this section. Of such funds, \$500,000 may be used to carry out subsection (a)(1).

(d) **RELEASE.**—Upon the acquisition and transfer of a dredge and associated equipment under subsection (a)(1), and the payment of funds under subsection (a)(2), all future Federal responsibility for operation and maintenance of the project is extinguished.

**SEC. 5107. EUGENE, OREGON.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, the Secretary shall carry out the restoration.

(b) **CONSIDERATION OF NONECONOMIC BENEFITS.**—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000.

**SEC. 5108. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.**

(a) **IN GENERAL.**—The Secretary shall pay not more than \$2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of—

(1) the multipurpose project at John Day Lock and Dam, Lake Umatilla, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167); and

(2) the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000.

**SEC. 5109. LOWELL, OREGON.**

(a) **IN GENERAL.**—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title, and interest of the United States in and to land and buildings thereon, known as Tract A-82, located in Lowell, Oregon, and described in subsection (b).

(b) **DESCRIPTION OF PROPERTY.**—The parcel of land authorized to be conveyed under subsection (a) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(c) **TERMS AND CONDITIONS.**—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(d) **REVERSION.**—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

## (e) GENERALLY APPLICABLE PROVISIONS.—

(1) **APPLICABILITY OF PROPERTY SCREENING PROVISIONS.**—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) **LIABILITY.**—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

**SEC. 5110. ALLEGHENY COUNTY, PENNSYLVANIA.**

Section 219(f)(66) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) by striking “\$20,000,000” and inserting the following:

“(A) **IN GENERAL.**—\$20,000,000”;

(2) by adding at the end the following:

“(B) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.”; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 5111. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA.**

The Secretary shall use existing water quality data to model the effects of the Francis E. Walter Dam, at different water levels, to determine its impact on water and related resources in and along the Lehigh River in Lehigh County, Pennsylvania. There is authorized to be appropriated \$500,000 to carry out this section.

**SEC. 5112. NORTHEAST PENNSYLVANIA.**

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking “and Monroe” and inserting “Northumberland, Union, Snyder, and Montour”.

**SEC. 5113. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

(a) **STUDY AND STRATEGY DEVELOPMENT.**—Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787; 114 Stat. 2662) is amended—

(1) in the matter preceding paragraph (1) by inserting “and carry out” after “develop”; and

(2) in paragraph (2) by striking “\$10,000,000.” and inserting “\$20,000,000, of which the Secretary may utilize not more than \$5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed \$500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.”.

(b) **COOPERATIVE AGREEMENTS.**—Section 567(c) of such Act (114 Stat. 2662) is amended—

(1) in the subsection heading by striking “COOPERATION” and inserting “COOPERATIVE”; and

(2) in the first sentence—

(A) by inserting “and carrying out” after “developing”; and

(B) by striking “cooperation” and inserting “cost-sharing and cooperative”.

(c) **IMPLEMENTATION OF STRATEGY.**—Section 567(d) of such Act (114 Stat. 2663) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(2) in the second sentence of paragraph (1) (as so designated)—

(A) by striking “implement” and inserting “carry out”; and

(B) by striking “implementing” and inserting “carrying out”;

(3) by adding at the end the following:

“(2) **PRIORITY PROJECT.**—In carrying out projects to implement the strategy, the Secretary shall give priority to the project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004, prepared by the Corps of Engineers and the New York State Department of Environmental Conservation.”; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(d) CREDIT.—Section 567 of such Act (110 Stat. 3787; 114 Stat. 2662) is amended by adding at the end the following:

“(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a project under this section—

“(1) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

“(2) the cost of in-kind services and materials provided for the project by the non-Federal interest.”.

**SEC. 5114. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at a total cost of \$130,000,000, with an estimated Federal cost of \$85,000,000 and an estimated non-Federal cost of \$45,000,000.

**SEC. 5115. BEAUFORT AND JASPER COUNTIES, SOUTH CAROLINA.**

The Secretary may accept from the Department of the Navy, and may use, not to exceed \$23,000,000 to assist the Beaufort Jasper Water and Sewage Authority, South Carolina, with its plan to consolidate civilian and military wastewater treatment facilities.

**SEC. 5116. FRITZ LANDING, TENNESSEE.**

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled “An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes”, approved May 15, 1928 (45 Stat. 534–539), commonly known as the “Flood Control Act of 1928”.

**SEC. 5117. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE.**

The Secretary shall plan, design, and construct a trail system at the J. Percy Priest Dam and Reservoir, Tennessee, authorized by section 4 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved June 28, 1938 (52 Stat. 1217), including design and construction of support facilities for public health and safety associated with trail development. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

**SEC. 5118. TOWN CREEK, LENOIR CITY, TENNESSEE.**

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon County, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

**SEC. 5119. TENNESSEE RIVER PARTNERSHIP.**

(a) IN GENERAL.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000.

**SEC. 5120. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE, ARKANSAS, AND MISSISSIPPI.**

The Secretary may participate with non-Federal and nonprofit entities to address issues concerning managing groundwater as a sustainable resource through the Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi, and coordinating the protection of groundwater supply and groundwater quality with local sur-

face water protection programs. There is authorized to be appropriated \$5,000,000 to carry out this section.

**SEC. 5121. BOSQUE RIVER WATERSHED, TEXAS.**

(a) **COMPREHENSIVE PLAN.**—The Secretary, in consultation with appropriate Federal, State, and local entities, shall develop, as expeditiously as practicable, a comprehensive plan for development of new technologies and innovative approaches for restoring, preserving, and protecting the Bosque River watershed within Bosque, Hamilton, McLennan, and Erath Counties, Texas. The Secretary, in cooperation with the Secretary of Agriculture, may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for stabilization and enhancement of land and water resources in the basin.

(b) **SERVICES OF PUBLIC NON-PROFIT INSTITUTIONS AND OTHER ENTITIES.**—In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of public non-profit institutions and such other entities as the Secretary considers appropriate.

(c) **NON-FEDERAL SHARE.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures constructed with assistance provided under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) **OPERATION AND MAINTENANCE.**—The non-Federal share of the cost of operation and maintenance for measures constructed with assistance provided under this section shall be 100 percent.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000.

**SEC. 5122. DALLAS FLOODWAY, DALLAS, TEXAS.**

(a) **IN GENERAL.**—The Secretary shall review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project for flood damage reduction and other purposes, Dallas Floodway, Dallas, Texas, and, if the Secretary determines that the project is technically sound and environmentally acceptable, shall carry out the project at a total cost of \$194,000,000, with an estimated Federal cost of \$126,100,000 and an estimated non-Federal cost of \$67,900,000.

(b) **CREDIT.**—

(1) **IN-KIND CONTRIBUTIONS.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) **CASH CONTRIBUTIONS.**—The Secretary shall accept funds provided by the non-Federal interests for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of project costs.

**SEC. 5123. HARRIS COUNTY, TEXAS.**

(a) **IN GENERAL.**—Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: “, whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency”.

(b) **SPECIFIC PROJECTS.**—Section 575(b) of such Act (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3) by striking “and” at the end;

(2) in paragraph (4) by striking the period at the end and inserting “; and”; and

(3) by adding the following:

“(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).”.

**SEC. 5124. ONION CREEK, TEXAS.**

In carrying out the study for the project for flood damage reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study

area for the project in the period beginning 2 years before the date of initiation of the study and ending on the date of execution of the partnership agreement for construction of the project to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

**SEC. 5125. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

The Secretary shall accept funds from the National Park Service to restore Dyke Marsh, Fairfax County, Virginia.

**SEC. 5126. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

Section 219(f)(10) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) by striking “\$20,000,000 for water supply and wastewater infrastructure” and inserting the following:

“(A) IN GENERAL.—\$20,000,000 for water supply, wastewater infrastructure, and environmental restoration”;

(2) by adding at the end the following:

“(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.”; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 5127. JAMES RIVER, VIRGINIA.**

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

**SEC. 5128. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

**SEC. 5129. HAMILTON ISLAND CAMPGROUND, WASHINGTON.**

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also known as “Strawberry Island”) in Skamania County, Washington.

**SEC. 5130. PUGET ISLAND, WASHINGTON.**

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of \$1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

**SEC. 5131. WILLAPA BAY, WASHINGTON.**

Section 545 of the Water Resources Development Act of 2000 (114 Stat. 2675) is amended—

(1) in subsection (b)(1) by striking “may construct” and inserting “shall construct”; and

(2) by inserting “and ecosystem restoration” after “erosion protection” each place it appears.

**SEC. 5132. BLUESTONE, WEST VIRGINIA.**

Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676–2678) is amended—

(1) in subsection (b)(1)(A) by striking “4 years” and inserting “5 years”;

(2) in subsection (b)(1)(B)(iii) by striking “if all” and all that follows through “facility” and inserting “assurance project”;

(3) in subsection (b)(1)(C) by striking “and construction” and inserting “, construction, and operation and maintenance”;

(4) by adding at the end of subsection (b) the following:

“(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).”;

(5) in subsection (c)(1)—

(A) by striking “No” and inserting “Unless otherwise provided, no”;

(B) by inserting “planning,” before “design”; and

(C) by striking “prior to” and all that follows through “subsection (d)”;

(6) in subsection (c)(2) by striking “design” and inserting “planning, design.”;

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.”;

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting “, except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers.”; and

(D) by adding at the end the following:

“(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.”;

(8) in subsection (e) by striking “in accordance” and all that follows through “58 Stat. 890”;

(9) in subsection (f)—

(A) by striking “facility of the interconnected systems of reservoirs operated by the Secretary” each place it appears and inserting “facilities under construction under such agreements”; and

(B) by striking “design” and inserting “planning, design”;

(10) in subsection (f)(2)—

(A) by “Secretary” each place it appears and inserting “Tri-Cities Power Authority”; and

(B) by striking “facilities referred to in subsection (a)” and inserting “such facilities”;

(11) by striking paragraph (1) of subsection (g) and inserting the following:

“(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and”;

(12) in subsection (g)(2) by striking “such facilities” and all that follows through “the Secretary” and inserting “the generating facility”; and

(13) by adding at the end the following:

“(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the ‘Tri-Cities Power Authority’ refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled ‘Second Amended and Restated Intergovernmental Agreement’ approved by the Attorney General of West Virginia on February 14, 2002.”.

#### SEC. 5133. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking “flood control measures” and inserting “structural and non-structural flood control, streambank protection, stormwater management, and channel clearing and modification measures”; and

(2) by inserting “with respect to measures that incorporate levees or floodwalls” before the semicolon.

(b) PRIORITY COMMUNITIES.—Section 581(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following:

“(7) Etna, Pennsylvania, in the Pine Creek watershed; and

“(8) Millvale, Pennsylvania, in the Girty’s Run River basin.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking “\$12,000,000” and inserting “\$90,000,000”.

**SEC. 5134. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

The Secretary shall conduct a watershed and river basin assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the Lower Kanawha River Basin, in the counties of Mason, Putnam, Kanawha, Jackson, and Roane, West Virginia.

**SEC. 5135. CENTRAL WEST VIRGINIA.**

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking “Nicholas,”; and

(B) by striking “Gilmer,”; and

(2) by adding at the end the following:

“(i) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

“(j) **CORPS OF ENGINEERS EXPENSES.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

**SEC. 5136. SOUTHERN WEST VIRGINIA.**

(a) **CORPS OF ENGINEERS.**—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

“(h) **CORPS OF ENGINEERS.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.”.

(b) **SOUTHERN WEST VIRGINIA DEFINED.**—Section 340(f) of such Act is amended by inserting “Nicholas,” after “Greenbrier,”.

(c) **NONPROFIT ENTITIES.**—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

“(i) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.”.

**SEC. 5137. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.**

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine if the structure prevents ice jams on the Sheboygan River.

**SEC. 5138. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

“(9) **BUFFALO BAYOU, TEXAS.**—The project for flood control, Buffalo Bayou, Texas.

“(10) **HALLS BAYOU, TEXAS.**—The project for flood control, Halls Bayou, Texas.

“(11) **ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.**—The project for flood damage reduction, St. Paul Downtown Airport (Holman Field), St. Paul, Minnesota.

“(12) **THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.**—The project for flood control, Chicago Underflow Plan, Thornton Reservoir, Cook County, Illinois.

“(13) **LAROSE TO GOLDEN MEADOW, LOUISIANA.**—The project for flood control, Larose to Golden Meadow, Louisiana.

“(14) **PERRIS, CALIFORNIA.**—The project for flood control, Perris, California.”.

**SEC. 5139. USE OF FEDERAL HOPPER DREDGE FLEET.**

(a) **STUDY.**—The Secretary shall conduct a study on the appropriate use of the Federal hopper dredge fleet.

(b) **CONTENTS.**—In conducting the study, the Secretary shall—

(1) obtain and analyze baseline data to determine the appropriate use of the Federal hopper dredge fleet;

(2) prepare a comprehensive analysis of the costs and benefits of existing and proposed restrictions on the use of the Federal hopper dredge fleet; and

(3) assess the data and procedure used by the Secretary to prepare the Government cost estimate for work performed by the Federal hopper dredge fleet.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with ports, pilots, and representatives of the private dredge industry.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

## TITLE VI—FLORIDA EVERGLADES

### SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.

(a) MODIFICATION.—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of \$39,200,000.

(b) TREATMENT.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: “The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility.”; and

(2) in clause (iii) by inserting after “subparagraph (B)” the following: “and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer”.

### SEC. 6002. PILOT PROJECTS.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in the matter preceding clause (i)—

(A) by striking “\$69,000,000” and inserting “\$71,200,000”; and

(B) by striking “\$34,500,000” each place it appears and inserting “\$35,600,000”; and

(2) in clause (i)—

(A) by striking “\$6,000,000” and inserting “\$8,200,000”; and

(B) by striking “\$3,000,000” each place it appears and inserting “\$4,100,000”.

### SEC. 6003. MAXIMUM COST OF PROJECTS.

Section 601(b)(2)(E) of the Water Resources Development Act of 2000 (114 Stat. 2683) is amended by inserting “and section (d)” before the period at the end.

### SEC. 6004. PROJECT AUTHORIZATION.

Section 601(d) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

“(3) PROJECT AUTHORIZATION.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the report designated in this paragraph:

“(A) INDIAN RIVER LAGOON SOUTH, FLORIDA.—The project for ecosystem restoration, water supply, flood damage reduction, and protection of water quality, Indian River Lagoon South, Florida: Report of the Chief of Engineers dated August 6, 2004, at a total cost of \$1,210,608,000, with an estimated Federal cost of \$605,304,000 and an estimated non-Federal cost of \$605,304,000.”.

### SEC. 6005. CREDIT.

Section 601(e)(5)(B) of the Water Resources Development Act of 2000 (114 Stat. 2685) is amended—

(1) in clause (i)—

(A) by striking “or” at the end of subclause (I);

(B) by adding “or” at the end of subclause (II); and

(C) by adding at the end the following:

“(III) the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;” and

(2) in clause (ii)—

(A) by striking “design agreement or the project cooperation”; and

(B) by inserting before the semicolon the following: “, including in the case of credit provided under clause (i)(III) conditions relating to design and construction”.

**SEC. 6006. OUTREACH AND ASSISTANCE.**

Section 601(k) of the Water Resources Development Act of 2000 (114 Stat. 2691) is amended by adding at the end the following:

“(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to \$3,000,000 per fiscal year for fiscal years beginning after September 30, 2004, to carry out this subsection.”.

**SEC. 6007. CRITICAL RESTORATION PROJECTS.**

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

- (1) in clause (i) by striking “\$75,000,000” and all that follows through “2003” and inserting “\$95,000,000”; and
- (2) in clause (ii) by striking “\$25,000,000” and inserting “\$30,000,000”.

**SEC. 6008. DEAUTHORIZATIONS.**

As of the date of enactment of this Act, the following projects are not authorized:

- (1) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C-44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan.
- (2) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), Martin County, Florida modifications to the Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session.
- (3) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), East Coast Backpumping, St. Lucie—Martin County, Spillway Structure S-311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session.

**SEC. 6009. MODIFIED WATER DELIVERY.**

(a) TAMiami TRAIL.—The Secretary shall not carry out a project for raising Tamiami Trail, Florida, until such date as the project is specifically authorized by law.

(b) REPORTS.—The Secretary shall submit to Congress reports recommending specific authorizations in law for—

- (1) changes to the project to improve water deliveries to Everglades National Park, authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), if necessary;
- (2) a project to raise Tamiami Trail, Florida, if necessary; and
- (3) a combined structural and operational plan for the C-111 Canal Project, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740), and further modified by section 316 of the Water Resources Development Act of 1996 (110 Stat. 3715), and the project to improve water deliveries to Everglades National Park.

## TITLE VII—LOUISIANA COASTAL AREA

**SEC. 7001. DEFINITIONS.**

In this title, the following definitions apply:

- (1) COASTAL LOUISIANA ECOSYSTEM.—The term “coastal Louisiana ecosystem” means the coastal area of Louisiana from the Sabine River on the west and the Pearl River on the east, including those parts of the Deltaic Plain and the Chenier Plain included within the study area of the Plan.
- (2) GOVERNOR.—The term “Governor” means the Governor of the State of Louisiana.
- (3) PLAN.—The term “Plan” means the report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005.
- (4) TASK FORCE.—The term “Task Force” means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7003.

**SEC. 7002. ADDITIONAL REPORTS.**

(a) MISSISSIPPI RIVER GULF OUTLET.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet to address navigation, salt water intrusion, channel bank erosion, mitigation, and threats to life and property.

(b) CHENIER PLAIN.—Not later than July 1, 2006, the Secretary shall submit to Congress a report recommending near-term ecosystem restoration measures for the Chenier Plain, Louisiana.

## (c) LONG-TERM PLAN.—

(1) COMPREHENSIVE FRAMEWORK.—Not later than one year after the date of enactment of this section, the Secretary shall submit to Congress a recommended framework for developing a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including Barataria-Terrebonne Estuary), barrier islands, and related land and features that protect critical resources, habitat, and infrastructure in the coastal Louisiana ecosystem from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) CONSIDERATION.—In developing the recommended framework, the Secretary shall consider integrating other Federal or State projects or activities within the coastal Louisiana ecosystem into the long-term restoration program.

## (3) COMPREHENSIVE PLAN.—

(A) DEADLINE.—Not later than five years after the date of enactment of this Act, the Secretary shall submit to Congress a feasibility study recommending a comprehensive, long-term, plan for the protection, conservation, and restoration of the coastal Louisiana ecosystem.

(B) INTEGRATION.—The comprehensive, long-term, plan shall include recommendations for the integration of ongoing Federal and State projects, programs, and activities.

**SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.**

(a) ESTABLISHMENT AND MEMBERSHIP.—There is established the Coastal Louisiana Ecosystem Protection and Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

- (1) The Secretary.
- (2) The Secretary of the Interior.
- (3) The Secretary of Commerce.
- (4) The Administrator of the Environmental Protection Agency.
- (5) The Secretary of Agriculture.
- (6) The Secretary of Transportation.
- (7) The Secretary of Energy.
- (8) The Director of the Federal Emergency Management Agency.
- (9) The Commandant of the Coast Guard.
- (10) The Coastal Advisor to the Governor.
- (11) The Secretary of the Louisiana Department of Natural Resources.
- (12) A representative of the Louisiana Governor's Advisory Commission on Coastal Restoration and Conservation.

## (b) DUTIES OF TASK FORCE.—The Task Force shall—

(1) make recommendations to the Secretary regarding policies, strategies, plans, programs, projects, and activities for addressing protection, conservation, and restoration of the coastal Louisiana ecosystem;

(2) prepare financial plans for each of the agencies represented on the Task Force for funds proposed for the protection, conservation, and restoration of the coastal Louisiana ecosystem under authorities of each agency, including—

(A) recommendations that identify funds from current agency missions and budgets; and

(B) recommendations for coordinating individual agency budget requests; and

(3) submit to Congress a biennial report that summarizes the activities of the Task Force and progress towards the purposes set forth in section 7002(c)(1).

## (c) PROCEDURES AND ADVICE.—The Task Force shall—

(1) implement procedures to facilitate public participation with regard to Task Force activities, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of proceedings available for public inspection; and

(2) establish such working groups as are necessary to assist the Task Force in carrying out its duties.

(d) COMPENSATION.—Members of the Task Force or any associated working group may not receive compensation for their services as members of the Task Force or working group.

(e) TRAVEL EXPENSES.—Travel expenses incurred by members of the Task Force, or members of an associated working group, in the performance of their service on the Task Force or working group shall be paid by the agency or entity that the member represents.

(f) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Task Force and any working group established by the Task Force shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. 7004. INVESTIGATIONS.**

(a) IN GENERAL.—The Secretary shall conduct feasibility studies for future authorization and large-scale studies substantially in accordance with the Plan at a total cost \$130,000,000.

(b) EXISTING FEDERALLY AUTHORIZED WATER RESOURCES PROJECTS.—

(1) IN GENERAL.—The Secretary shall review existing federally authorized water resources projects in the coastal Louisiana ecosystem in order to determine their consistency with the purposes of this section and whether the projects have the potential to contribute to ecosystem restoration through revised operations or modified project features.

(2) FUNDING.—There is authorized to be appropriated \$10,000,000 to carry out this subsection.

**SEC. 7005. CONSTRUCTION.**

(a) COASTAL LOUISIANA ECOSYSTEM PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a coastal Louisiana ecosystem program substantially in accordance with the Plan, at a total cost of \$50,000,000.

(2) OBJECTIVES.—The objectives of the program shall be to—

(A) identify uncertainties about the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem;

(B) improve the State of knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem; and

(C) identify and develop technologies, models, and methods that could be useful in carrying out the purposes of this title.

(3) WORKING GROUPS.—The Secretary may establish such working groups as are necessary to assist in carrying out this subsection.

(4) PROCEDURES AND ADVICE.—In carrying out this subsection, the Secretary is authorized to enter into contracts and cooperative agreements with scientific and engineering experts in the restoration of aquatic and marine ecosystems, including a consortium of academic institutions in Louisiana and Mississippi for coastal restoration and enhancement through science and technology.

(b) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may carry out projects substantially in accordance with the Plan for the purpose of resolving critical areas of scientific or technological uncertainty related to the implementation of the comprehensive plan to be developed under section 7002(c)(3).

(2) MAXIMUM COST.—

(A) TOTAL COST.—The total cost for planning, design, and construction of all demonstration projects under this subsection shall not exceed \$100,000,000.

(B) INDIVIDUAL PROJECT.—The total cost of an individual demonstration project under this subsection shall not exceed \$25,000,000.

(c) INITIAL PROJECTS.—The Secretary is authorized to carry out the following projects substantially in accordance with the Plan:

(1) Mississippi River Gulf Outlet Environmental Restoration at a total cost of \$105,300,000.

(2) Small Diversion at Hope Canal at a total cost of \$68,600,000.

(3) Barataria Basin Barrier Shoreline Restoration at a total cost of \$242,600,000.

(4) Small Bayou Lafourche Reintroduction at a total cost of \$133,500,000.

(5) Medium Diversion at Myrtle Grove with Dedicated Dredging at a total cost of \$278,300,000.

(d) BENEFICIAL USE OF DREDGED MATERIAL.—The Secretary, substantially in accordance with the Plan, shall implement in the coastal Louisiana ecosystem a program for the beneficial use of material dredged from federally maintained waterways at a total cost of \$100,000,000.

**SEC. 7006. NON-FEDERAL COST SHARE.**

(a) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005 the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest before the date of the partnership agreement for the study or project, as the case may be, if the Secretary determines that the work is integral to the study or project, as the case may be.

(b) **TREATMENT OF CREDIT BETWEEN PROJECTS.**—Any credit provided under this section toward the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005 may be applied toward the non-Federal share of the cost of any other study authorized by section 7004 or any other project authorized by section 7005, as the case may be.

(c) **PERIODIC MONITORING.**—

(1) **IN GENERAL.**—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005, during each 5-year period beginning after the date of commencement of the first study under section 7004 or construction of the first project under section 7005, as the case may be, the Secretary shall—

(A) monitor the non-Federal provision for each study authorized by section 7004 or each project authorized by section 7005, as the case may be, of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage, to the extent practicable, the requirement of the non-Federal interest to provide for each such project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) **OTHER MONITORING.**—The Secretary shall conduct monitoring separately for the study phase, construction phase, the preconstruction engineering and design phase, and the planning phase for each project authorized on or after date of enactment of this Act for all or any portion of the coastal Louisiana ecosystem.

(d) **AUDITS.**—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

**SEC. 7007. PROJECT JUSTIFICATION.**

(a) **IN GENERAL.**—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any project or activity authorized by or under this title or any other provision of law to protect, conserve, and restore the coastal Louisiana ecosystem, the Secretary may determine that—

(1) the project or activity is justified by the environmental benefits derived by the coastal Louisiana ecosystem; and

(2) no further economic justification for the project or activity is required if the Secretary determines that the project or activity is cost effective.

(b) **LIMITATION ON APPLICABILITY.**—Subsection (a) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the protection, conservation, and restoration of the coastal Louisiana ecosystem.

**SEC. 7008. STATUTORY CONSTRUCTION.**

(a) **EXISTING AUTHORITY.**—Except as otherwise provided in this title, nothing in this title affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection, conservation, and restoration projects and activities in the coastal Louisiana ecosystem, including projects and activities referred to in subsection (a) of—

- (1) the Department of the Army;
- (2) the Department of the Interior;
- (3) the Department of Commerce;
- (4) the Environmental Protection Agency;
- (5) the Department of Agriculture;
- (6) the Department of Transportation;
- (7) the Department of Energy;
- (8) the Federal Emergency Management Agency;
- (9) the Coast Guard; and
- (10) the State of Louisiana.

(b) **NEW AUTHORITY.**—Nothing in this title confers any new regulatory authority on any Federal or non-Federal entity that carries out any project or activity authorized by or under this title.

## **TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM**

**SEC. 8001. DEFINITIONS.**

In this title, the following definitions apply:

(1) **PLAN.**—The term “Plan” means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004.

(2) **UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.**—The term “Upper Mississippi River and Illinois Waterway System” means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O’Brien Lock in Chicago, Illinois, River Mile 327.0.

**SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORATION.**

Except as modified by this title, the Secretary shall undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Water System substantially in accordance with the Plan and subject to the conditions described therein.

**SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.**

(a) **SMALL SCALE AND NONSTRUCTURAL MEASURES.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(B) provide switchboats at Locks 20 through 25; and

(C) conduct development and testing of an appointment scheduling system.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—The total cost of projects authorized under this subsection shall be \$235,000,000. Such costs shall be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(b) **NEW LOCKS.**—

(1) **IN GENERAL.**—The Secretary shall construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—The total cost of projects authorized under this subsection shall be \$1,795,000,000. Such costs shall be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(c) **CONCURRENCE.**—The mitigation required for the projects authorized under subsections (a) and (b), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests in lands for the projects authorized under subsections (a) and (b), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

**SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

(a) **OPERATION.**—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(b) **ECOSYSTEM RESTORATION PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(2) **PROJECTS INCLUDED.**—Ecosystem restoration projects may include—

(A) island building;

(B) construction of fish passages;

(C) floodplain restoration;

(D) water level management (including water drawdown);

(E) backwater restoration;

(F) side channel restoration;

(G) wing dam and dike restoration and modification;

(H) island and shoreline protection;

(I) topographical diversity;

(J) dam point control;

- (K) use of dredged material for environmental purposes;
- (L) tributary confluence restoration;
- (M) spillway, dam, and levee modification; and
- (N) land and easement acquisition.
- (3) COST SHARING.—
  - (A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of carrying out an ecosystem restoration project under this subsection shall be 65 percent.
  - (B) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this section for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—
    - (i) is located below the ordinary high water mark or in a connected backwater;
    - (ii) modifies the operation of structures for navigation; or
    - (iii) is located on federally owned land.
  - (C) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)).
  - (D) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this title, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.
- (4) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing seller through conveyance of—
  - (A) fee title to the land; or
  - (B) a flood plain conservation easement.
- (c) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—
  - (1) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—
    - (A) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;
    - (B) establish the without-project condition or baseline for each performance indicator; and
    - (C) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.
  - (2) OUTCOMES.—Performance measures identified under paragraph (1)(A) shall include specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.
  - (3) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under paragraph (1)(A), including—
    - (A) a timeline to achieve the identified target goals; and
    - (B) a timeline for the demonstration of project completion.
- (d) SPECIFIC PROJECTS AUTHORIZATION.—
  - (1) IN GENERAL.—There is authorized to be appropriated to carry out this subsection \$1,580,000,000, of which not more than \$226,000,000 shall be available for projects described in subsection (b)(2)(B) and not more than \$43,000,000 shall be available for projects described in subsection (b)(2)(J).
  - (2) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under paragraph (1), not more than \$35,000,000 in any fiscal year may be used for land acquisition under subsection (b)(4).
  - (3) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in subparagraphs (B) and (J) of subsection (b)(2), the total cost of any single project carried out under this subsection shall not exceed \$25,000,000.
- (e) IMPLEMENTATION REPORTS.—
  - (1) IN GENERAL.—Not later than June 30, 2007, and every 4 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—
    - (A) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and
    - (B) measures the progress in meeting the goals.
  - (2) ADVISORY PANEL.—
    - (A) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

- (B) **PANEL MEMBERS.**—Panel members shall include—
- (i) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;
  - (ii) 1 representative of the Department of Agriculture;
  - (iii) 1 representative of the Department of Transportation;
  - (iv) 1 representative of the United States Geological Survey;
  - (v) 1 representative of the United States Fish and Wildlife Service;
  - (vi) 1 representative of the Environmental Protection Agency;
  - (vii) 1 representative of affected landowners;
  - (viii) 2 representatives of conservation and environmental advocacy groups; and
  - (ix) 2 representatives of agriculture and industry advocacy groups.
- (C) **CHAIRPERSON.**—The Secretary shall serve as chairperson of the advisory panel.
- (D) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).
- (f) **RANKING SYSTEM.**—
- (1) **IN GENERAL.**—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.
  - (2) **PRIORITY.**—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in subsection (b)(2).
- SEC. 8005. COMPARABLE PROGRESS.**
- (a) **IN GENERAL.**—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this title, the Secretary shall—
    - (1) select appropriate milestones; and
    - (2) determine, at the time of such selection, whether the projects are being carried out at comparable rates.
  - (b) **NO COMPARABLE RATE.**—If the Secretary determines under subsection (a)(2) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

## PURPOSE OF LEGISLATION

The Water Resources Development Act of 2005 includes project authorizations, modifications, deauthorizations, studies, and policy initiatives for the Army Corps of Engineers' Civil Works Program—the Nation's largest water resources program. Throughout its eight titles, the bill authorizes and directs the Corps to carry out various studies, projects, and programs relating to navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, environmental restoration and protection.

## BACKGROUND AND NEED FOR LEGISLATION

The Water Resources Development Act of 2005 demonstrates the continuing commitment of the Committee on Transportation and Infrastructure to the Nation's water resources infrastructure, and a regular authorization schedule for the Civil Works Program of the Army Corps of Engineers (Corps), which was instituted by the Water Resources Development Act of 1986. The Committee believes that passage of the Water Resources Development Act of 2005 is vitally important to fulfill commitments to non-Federal sponsors, to be responsive to new and emerging water resources needs, and to fine-tune the Corps' missions and responsibilities.

### *Value of the Civil Works Program*

The Committee recognizes the value of the Corps and the Corps' Civil Works missions to the Nation and the critical importance of

maintaining these vital contributions. Over the years, the Corps has maintained flexibility in its Civil Works missions to meet the changing needs of the Nation. The Corps has an impressive history of helping to meet the Nation's water resources needs. For over 175 years, the Corps has supported navigation needs by maintaining and improving the Nation's waterways in 41 States. The Corps also maintains 300 commercial harbors, through which pass over 2 billion tons of cargo a year, and with more than 13 million American jobs dependent on our import and export trade, these ports are vital to our economic security. The ports and waterways maintained by the Corps also play a vital role in National defense.

Corps flood damage reduction efforts range from small, local protection projects (levees or non-structural flood damage reduction measures) to major dams. Today, most Corps constructed flood damage reduction projects are owned by sponsoring cities, towns, and agricultural districts, but the Corps continues to maintain and operate 383 dams and reservoirs for flood damage reduction. These projects have prevented an estimated \$706 billion in flood damage, most of that within the last 25 years. The cumulative cost for building and maintaining these projects to date is \$119 billion. That means for every dollar spent, more than six dollars in potential damages have been saved.

Legislation passed in 1990 established environmental protection as one of the primary missions of the Corps—along with navigation and flood damage reduction. Since that time, ecosystem restoration projects have grown increasingly popular throughout the country, resulting in over \$1.3 billion in Federal support for environmental activities. The Corps has provided leadership on large-scale ecosystem restoration projects, including restoring the hydrologic regime for the Everglades in Florida and addressing wetland losses of catastrophic proportion in Coastal Louisiana. In addition, the Corps carries out environmental and natural resource management programs at its projects, manages thousands of square miles of forest and wildlife habitat, monitors water quality at its dams and in some cases restores the environment at projects built in earlier days.

As the Corps program continues to evolve in service to the Nation, the Committee notes with interest the efforts of the Chief of Engineers to encourage a more holistic approach to water resources management. An increased emphasis on watershed and basin-wide planning, conducted in conjunction with State and local governments and non-public stakeholders, can lead to a more sustainable use of water resources that integrates water development, protection, and restoration. The Corps can play a particularly important role in facilitating planning when the issues affecting water resources concern multiple jurisdictions. The Corps is encouraged to pursue efforts to improve coordination and cooperation in the development of recommended approaches to address water resources problems and formulating plans to solve these problems.

#### *Corps of Engineers planning process*

In recent years, there has been some controversy regarding the planning process used by the Corps of Engineers to develop water resources projects. The Civil Works program of the Corps of Engineers is a \$4.5 to \$5.5 billion annual program. Of that amount, be-

tween \$135 and \$145 million is spent annually to study water resources needs, determine if there is a Federal interest in meeting those needs, and develop recommendations for water resources projects that are technically sound, environmentally acceptable, and economically justified.

For certain small projects, Congress has authorized the Corps to participate in the development and construction under continuing authorities. The Federal participation in these small projects is limited to between \$500,000 and \$7 million per project, depending on the project type. For all other projects, the Corps must first receive authorization from Congress to proceed with a study, either by statute or, if the Corps previously has conducted a study in the same geographic area, in the form of a Committee resolution.

Once authorized, a water resources study begins with a reconnaissance study. The reconnaissance phase is a relatively quick examination of the problem (generally costing no more than \$100,000 and lasting 12 months) during which the Corps of Engineers determines if there is a Federal interest and a potentially feasible project. Currently, there are 148 ongoing reconnaissance studies. If, based on the reconnaissance study, the Corps determines there is a potentially feasible water resources project, the Corps may seek the participation of a non-Federal interest willing to share in 50 percent of the study costs (for studies for projects other than inland navigation) and proceed to a full feasibility study. A feasibility study is generally expected to take about 2 years. However, due to the complexity of the issues, controversy over proposed solutions, and budget constraints, feasibility studies often take longer than 2 years and in rare cases may take in excess of 15 years. Currently, there are 227 ongoing feasibility studies.

To ensure that a project is technically sound, environmentally acceptable, and economically justified, the Corps must conduct a study in accordance with applicable laws, regulations, and policy, including the 1983 Principles and Guidelines issued by the Water Resources Council, Engineering Regulations issued by the Corps of Engineers (and most recently comprehensively revised in 1999), and other guidance periodically issued by the Chief of Engineers. Studies that result in a report of the Chief of Engineers recommending a water resources project are submitted to Congress for authorization. Other than projects constructed under continuing authorities, the Corps may not proceed to construction of a project until it is specifically authorized.

All Corps of Engineers projects affect water resources in some fashion. In many cases, there may be competing demands on those water resources, leading to controversy and even opposition to a proposed project by some constituencies. In some cases, project opponents have found problems with analyses conducted by the Corps of Engineers, leading to calls for improvement of the Corps' process for developing water resources projects. The Committee believes that the Corps of Engineers employs experts in their fields who provide a tremendous service. The Committee also holds these professionals to the highest standards and expects all work products generated by the Corps of Engineers to be able to withstand any level of outside scrutiny. Accordingly, this bill provides the Chief of Engineers with tools to ensure that project studies are carried out using high quality methods, models, and analyses. At the same

time, the Committee also recognizes that many disputes over water resources projects are policy disputes. Accordingly, the bill also ensures that changes to the project planning process will not lead to delays in project delivery and provides the Chief of Engineers with tools to resolve policy disputes and minimize delays. Once fully implemented, the Committee expects that the improvements to the Corps planning process contained in this bill will result in fewer delays, less litigation, and increased public acceptance of proposed projects.

#### DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

##### *Section 1: Short title; table of contents*

(a) Short Title.—Establishes the short title of this Act as the “Water Resources Development Act of 2005”.

(b) Table of Contents.

##### *Section 2: Definition of secretary*

Defines the term “Secretary,” which is used throughout the bill, as the Secretary of the Army.

#### TITLE I—WATER RESOURCES PROJECTS

##### *Section 1001: Project authorizations*

This section authorizes projects for water resources development and conservation to be carried out substantially in accordance with the reports of the Chief of Engineers cited for each project, except as otherwise provided.

(1) Akutan, Alaska.—

*Location of Study Area:* The City of Akutan is a relatively small, remote community in the eastern Aleutians of Alaska, approximately 766 air miles southwest of Anchorage. Although Akutan is one of the most important fishing ports in the United States in terms of volume and value of seafood production, it has very little infrastructure.

*Problems and Opportunities Identified in Study:* There are no facilities in Akutan for long-term moorage. There are two primary marine facilities in the Akutan city area, the city/ferry dock and the Trident Seafoods’ dock which are working docks and do not have protection from storm waves. There is also a fair weather skiff and small boat mooring facility adjacent to the city/ferry dock for a limited number of boats and does not have protection from storm waves. All skiffs and small boats must be taken from the water during inclement weather.

The navigation problems for vessels at Akutan include: (1) the necessity to travel to other ports in-season in order to secure safe moorage; (2) the necessity of travel to the Pacific Northwest each year; and (3) problems associated with the practice of rafting. In addition, residents of Akutan are hampered in their ability to develop a small boat commercial fishery and their subsistence harvests are also being constrained by the lack of available protected moorage.

*Alternative Plans Considered:* The array of alternatives evaluated included five sites near Akutan. Various protected moorage configurations with differing fleet sizes were developed at 2 sites with

final site selection at the head of the Bay. The final harbor size and layout provides a balance between harbor needs and competing environmental concerns.

*Description of Recommended Plan:* The recommended plan is not the plan that maximizes net national economic development benefits. The recommended plan provides protected permanent moorage for 38 vessels of the Bering Sea fishing fleet and 20 smaller vessels of the local Akutan fleet. The plan reduces impacts to adjacent wetlands and avoids the threatened Steller's eider intertidal and subtidal habitat.

*Physical Data on Project Features:* Major construction items of the recommended plan include an entrance channel with a depth of -18 feet MLLW and rubblemound breakwaters totaling 700 feet in length. The plan provides an inland harbor with mooring basin and turning basin, both with stepped depths from -18 feet to -14 feet MLLW and provides protected moorage for vessels ranging in length from 24 to 180 feet.

Mitigation for the project includes restoration of habitat, establishing 41.7 acres of mitigation lands (wetlands conservation easement), eye-bolts on the breakwaters for attaching spill containment booms and fish benches, and shielding harbor lighting.

*Views of States, and Non-Federal Interests:* The Non Federal Sponsor has provided a financing plan, dated May 2, 2002, indicating their commitment to the project and financial responsibility.

*Views of Federal and Regional Agencies:* There are no unresolved issues related to this project.

*Status of NEPA Document:* The ROD is pending completion of final reviews.

*Estimated Implementation Costs:* \$19,700,000.

The Secretary is directed to consider headlands dredging for the mooring basin as a general navigation feature, to be cost-shared as such.

*Estimated Annual O&M Costs:*

Corps of Engineers .....	\$14,000
Aleutians East Borough .....	35,000
Total .....	49,000

*Description of Non-Federal O&M Cost:* Non-Federal O&M costs account for yearly float maintenance and replacement after 30 years.

*Estimated Effects:*

[In thousands of dollars]

Account	Average annual equivalent beneficial effects	Average annual adverse effects
NED, Commercial Navigation .....	\$2,267	\$1,242
Total .....	2,267	1,242

Project economic life: 50 years.

Benefit-Cost Ratio: 1.8.

Current Discount Rate: 5<sup>5</sup>/<sub>8</sub>%.

NED plan recommended? No.

The NED plan is a 20 acres or larger basin providing protected moorage for 80 or more boats. The recommended plan is the 12

acre locally and environmentally preferred plan reconfigured to further reduce impacts to adjacent wetlands.

*Direct Beneficiaries:* The project would provide permanent protected moorage for some of the vessels of the Bering Sea fishing fleet and the Akutan local fleet.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 20 December 2004.

(2) Haines Small Boat Harbor, Haines, Alaska.—

*Location of Study Area:* The Haines Borough is located in the northern portion of Southeast Alaska, the region of the state commonly referred to as “the panhandle”, approximately 129 air kilometers northwest of Juneau. City boundaries straddle a peninsula that separates the Chilkat River Valley from Chilkoot Inlet, an embayment near the northern end of Lynn Canal.

*Problems and Opportunities Identified in Study:* The existing harbor is inadequate in terms of size and design to accommodate the needs of the existing demands of resident and transient users. During the summer season, extending from June through September, the harbor is overcrowded and numerous vessels are either turned away or simply avoid the harbor because vessel captains know that the harbor is full beyond its design capacity. The current harbor configuration is exposed to southeast winds, causing reduced maneuverability and damage to vessels and harbor facilities. Overcrowded conditions in the harbor result in (1) delays in entering and maneuvering in the harbor; (2) hot-berthing where transient vessels are moored in stalls of resident vessels left vacant; (3) rafting of transient vessels; and (4) damages to vessels and harbor facilities. Additional moorage is also needed to improve or provide services such as oil spill response, water taxi service, and to reduce costs associated with subsistence harvesting.

*Alternative Plans Considered:* The final array of alternatives evaluated focused on various plans to expand the existing harbor. Various protected moorage layouts with differing fleet scenarios were developed for the Portage Cove site. To accomplish the improvements basin dredging and rubblemound breakwaters were designed to provide improved protection to the existing harbor and accommodate the moorage demand experienced at Haines.

*Description of Recommended Plan:* The recommended plan is not the plan that maximizes net national economic development benefits. The recommended plan provides additional protection to the existing 2.25-hectare mooring and maneuvering basin and adds a new adjacent 6.60-hectare basin with an additional entrance channel. It would provide protected moorage for a total of 279 permanent stalls and 961 linear meters of transient floats for vessels ranging in length from 5.5 meters to 42.7 meters. The plan would replace the existing floats and provide properly sized slips for the smaller vessels in the existing fleet, and the larger existing and additional vessels needing moorage would use the new basin.

*Physical Data on Project Features:* Major construction items of the recommended plan include breakwaters consisting of a 103-meter long north spur breakwater, a 154-meter long first portion of the main breakwater, a turnaround portion of the main breakwater with a radius of 18.5 meters, a 316-meter long second portion of the main breakwater, a 46.7-meter long stub breakwater attached to the existing breakwater, a 51.2-meter long extension of

the existing breakwater to the south, and a 33.3-meter long south spur breakwater. These breakwaters will provide the additional moorage area and improve protection to the existing moorage area. Dredging and relocation of the existing entrance channel will be necessary because of the breakwater extension providing additional protection for the existing basin. Dredging of the new mooring area and construction of the float system will provide required and properly sized moorage for the fleet utilizing the harbor. The existing south basin entrance channel depth would remain the same at -4.6 m MLLW. The depth required for the entrance channel for the north basin is -5.5m MLLW, which occurs naturally. Basin depths would range from -4.3 m MLLW near the entrance channel to -4.9 m MLLW at the far end of the north basin. The south basin would remain unchanged with depths ranging from -3.3 m MLLW to -4.3 m MLLW.

Mitigation for the general navigation features includes the restoration work proposed on Sawmill Creek to improve fish passage and habitat.

*Views of States, and Non-Federal Interests:* The Non Federal Sponsor has provided a Letter of Intent, dated 3 March 2004, indicating their commitment to the project and financial responsibility. The State Department of Transportation and Public Facilities provided a letter dated 1 March 2004, indicating their support for the project.

*Views of Federal and Regional Agencies:* There are no unresolved issues related to this project.

*Status of NEPA Document:* The FONSI was signed for this project on 29 November 2002.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$9,700,000
Haines Borough .....	2,500,000
Total .....	12,200,000

There also will be approximately \$9,400,000 in costs for local service facilities that are not part of the authorized project.

*Description of Non-Federal O&M Cost:* Non-Federal O&M costs account for yearly float maintenance and replacement after 30 years.

*Estimated Effects:*

[In thousands of dollars]

Account	Average annual equivalent beneficial effects	Average annual adverse effects
NED, Commercial Navigation .....	\$1,202	\$1,122
NED, Recreation (Incidental) .....	294	96
Total .....	1,496	1,218

Project economic life: 50 years.

Benefit-Cost Ratio: 1.2.

Current Discount Rate: 5<sup>5</sup>/<sub>8</sub>%.

*Direct Beneficiaries:* The project would provide properly sized stalls for mooring and increase wave protection from the southeast resulting in reduced damages to existing floats and to vessels incurred from the overcrowded conditions in the existing harbor. The newly created harbor would provide additional protected moorage

to reduce travel costs incurred from the overcrowded conditions in the existing harbor.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 20 December 2004.

The Committee understands that the Haines Borough would like to convert the breakwater structures planned for the project into a causeway which could be used to service vessels which are too large to enter the proposed new boat harbor. The Committee supports this initiative because it will provide long-term al economic benefits to the project above those projected in the Chief's Report. The construction of this breakwater involves the use of a bridge to move materials over a channel. The Committee therefore instructs the Corps to leave this infrastructure in place and work with the Haines Borough to develop a plan which would allow for a finished causeway, road and bridge on the causeway should funds be identified for this additional feature.

(3) Tanque Verde Creek, Pima County, Arizona.—

*Location of Study Area:* Tanque Verde Creek is located in the City of Tucson, approximately 100 miles southeast of Phoenix, Arizona.

*Problems and Opportunities Identified in Study:* Tanque Verde Creek is an ephemeral stream, draining a 219 square mile watershed that extends into the Catalina and Tanque Verde Mountains, north and east of Tucson, Arizona, respectively. It combines with another major regional watercourse, Pantano Wash, to become the Rillito River, which continues west along the northern edge of Tucson. The reach of Tanque Verde Creek between Craycroft Road and Sabino Canyon Road is approximately two miles long and is partially bank protected. The study reach extends a short distance downstream of Craycroft Road and a short distance upstream of Sabino Canyon Road. The study reach is better defined as the unprotected portion of Tanque Verde Creek from the area of Craycroft Road to Sabino Canyon Road.

The localized approach to bank protection in the study area has left large areas with little or no protection. These areas continue to experience rapid erosion during significant flow events. Two large gaps in the bank protection measuring 4,220 and 2,830 feet are currently found on the south bank of Tanque Verde Creek. These gaps are found along the outer edge of a broad bend in the creek, are subjected to continued erosion by low flows, and flood flows on Tanque Verde Creek. On the north bank, immediately upstream of the Craycroft Road Bridge, the existing bank continues to migrate north, and has begun to expose areas of soil cement that are keyed into the sideslope, thereby potentially compromising its integrity. Additionally, upstream of the Craycroft Road Bridge, an old meander bend extends south of the existing channel. Flood flows and subsurface flows tend to follow this meander and have resulted in the undermining of the roadway embankment in the past. Periodic repairs to the road surface and to an interceptor sewer line are required due to these flows. In the event of a catastrophic flood, flows could undermine and break through the roadway embankment, washing out the roadway and the sewer interceptor. Such an event could also cause inundation and erosion damages to houses and other development west of Craycroft Road, including within the Fort Lowell Historic District.

The opportunity exists to provide bank protection between Craycroft Road and Sabino Canyon Road to halt the channel migration and protect existing structures, property, and riparian areas. The study area contains many areas of high quality desert riparian habitat. These areas are becoming increasingly scarce, due primarily to development encroachment. The opportunity exists to acquire the rights-of-way to a 500-foot-wide buffer along the north bank. Public ownership would prevent future development of this area, and would preserve the existing riparian values.

*Alternative Plans Considered:* The Los Angeles District in its preparation of the "Survey Report & Environmental Assessment, Rillito River & Associated Streams," conducted extensive analyses of the economic and engineering viability of various structural techniques on the Rillito River to which Tanque Verde Creek is a tributary. The Corps examined gabions, stone revetment, grouted stone, and soil cement revetment. The Corps determined that gabions and stone revetment were cost inefficient in comparison to grouted stone and soil cement revetment, and were dropped from further consideration. Current cost data suggest that the cost efficiencies of grouted stone and soil cement revetment still exist; gabions and stone revetment, therefore, are not considered viable candidates for evaluation. Grouted stone is economically viable; however, current costs and its requirement for additional land maintain its cost ineffectiveness in comparison to soil cement revetment, as was determined in the Survey Report. Web cellular confinement systems were investigated as potential alternatives. These systems would require the addition of concrete into the cells as flow velocities exceed 15 feet per second (fps), thus defeating their intended environmental advantage. Soil cement revetment remains an engineering and economically viable solution.

An array of soil cement revetment alternatives identified as satisfying all the criteria were evaluated, in addition to the no-action plan.

*Description of Recommended Plan:* The recommended plan, Alternative 4, best satisfies the project objectives. It provides the desired flood damage protection, produces the highest environmental outputs, is designated as the National Economic Development (NED) Plan and is locally preferred.

The recommended plan, fully addresses the identified problems along the Tanque Verde Creek between Sabino Canyon Road and Craycroft Road while including both structural and non-structural measures. The structural measures include installing soil cement bank protection in the existing gaps in bank protection on the south bank, and installing approximately 1,550 feet of bank protection upstream of the Craycroft Road Bridge on the north bank. The horizontal alignment of the proposed bank protection would be along smooth curves that generally follow the existing bank. Where applicable, the ends would match the existing soil cement. On the south bank, at the downstream end, the proposed soil cement would key into the bank just upstream of the confluence with Pantano Wash.

On the north bank, at the upstream end, the soil cement would key into the existing bank and be tied back to high ground. The soil cement would match the top of the existing bank, and the toedown would extend 10 feet below the existing thalweg. In addi-

tion, limited bank protection will be constructed for the preserve area. This limited bank protection will be a low soil cement berm (approximately 5,000 feet in length) with “weep holes” to maintain the hydrologic connection between the creek and the preserve. The berm will stabilize the slope and allow for the continued overtopping of flood waters with events greater than approximately 10-years in size by its low 2-foot height. The soil cement mixture provides a hard and durable surface that is expected to last well over the project life of 50 years.

The recommended plan would affect desert riparian habitat, including mesquite bosque habitat, along Tanque Verde Creek. A total of approximately 9.9 acres of habitat would be lost, including approximately 1.9 acres of moderate to high quality mesquite bosque habitat and 8.0 acres of disturbed desert wash habitat. Impacts to wildlife in the disturbed desert wash area will be minor because relatively few species inhabit these areas; and most are relatively common. Impacts to wildlife found in the mesquite bosque habitats would include temporary and permanent displacement and mortality of some wildlife that is unable to escape.

Mitigation of the recommended plan, in addition to the berm, involves acquiring the rights-of-way to establish a permanent 500-foot buffer along the north bank. Public ownership of this land (approximately 48 acres) would prevent additional development and the associated flood damages, while preserving the riparian values of this heavily vegetated area.

*Physical Data on Project Features:* The project reach is approximately 2 miles of the Tanque Verde Creek immediately upstream of Rillito River at its confluence with Pantano Wash from Craycroft Road to just downstream of Sabino Canyon Road. The selected plan includes:

- Complete bank erosion control on the southern bank with the construction of two segments of which one is approximately 4,220 linear feet and the other 2,830 linear feet;
- North bank erosion control (1,550 linear feet) protecting vulnerable public infrastructure and 5,000 feet of modified bank protection along the mitigation preserve area; and
- Establishment of a 48-acre riparian habitat area.

*Views of States, and Non-Federal Interests:* Pima County Department of Transportation and Flood Control has indicated its support for the selected plan and has provided a Letter of Intent acknowledging sponsorship requirements for the Selected Plan.

*Views of Federal and Regional Agencies:* Both the U.S. Fish and Wildlife Service and the Arizona Game and Fish have indicated their support for the project. The opinion received through the Draft Coordination Act Report and through ongoing coordination favors the project, which addresses the flood damage problem and yield environmental benefits that are necessary to preserve the environmental community in this area. It is the recommendation of the Arizona Game and Fish that softer protection for the riparian preserve be investigated during the design phase of this project.

*Status of NEPA Document:* The Environmental Assessment was included with the LRR, which was drafted in May of 2002 and approved on 30 Sept 02.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$3,236,000
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Pima County Flood Control District .....	1,742,000
Total .....	4,978,000

The non-Federal sponsor, Pima County Department of Transportation and Flood Control, has developed a plan to protect a portion of the study area in advance and in connection with the Federal project for an approximate 4,220 linear foot section along the creek. With this plan, the non-Federal sponsor has petitioned and received preliminary approval from the Secretary for credit for the advanced construction of this portion of the Federal plan.

*Description of Non-Federal O&M Cost:* Expected maintenance activities will include sediment removal, minor structural repair might be needed after infrequent larger events. It is estimated that future maintenance activities will cost \$17,900 annually.

*Estimated Effects:*

[In thousands of dollars]

Account	Average annual equivalent beneficial effects	Average annual adverse effects
Annualized Flood Damage Reduction .....	714,100	Not Applicable.

Project economic life: 50 years.

Benefit-Cost Ratio: 2.1. (Current Discount Rate: 6.625).

*Direct Beneficiaries:* Expected flood damage reduction for the City of Tucson along the lower portion of Tanque Verde Creek between Sabino Canyon Road and Craycroft Road.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 22 July 2003.

(4) Va Shily' Ay Akimel, Salt River Restoration, Arizona.—

*Location of Study Area:* The Va Shily' Ay Akimel study area is approximately 14 miles on the Salt River in Arizona, located within the jurisdiction of the Salt River Pima-Maricopa Indian Community and the City of Mesa, between Granite Reef Dam and Price Freeway Bridge.

The study area consists of that portion of the river extending from the Granite Reef Dam at the upstream end down to the Pima Freeway (SR 101). The study area is located in Maricopa County, Arizona within the Salt River Pima-Maricopa Indian Community (SRPMIC) and the City of Mesa. The study boundary encompasses an area approximately 14 miles long, averaging two miles in width, and encompassing approximately 17,435 acres. The Salt River originates in eastern Arizona and flows from east to west along the southern boundary of the SRPMIC, westward to its confluence with the Gila River, west of downtown Phoenix.

*Problems and Opportunities Identified in Study:* Although flood damages occur in some portions of the study area, Corps of Engineers flood control studies have demonstrated the lack of justification for further single purpose flood damage reduction measures. The primary problem is the severe degradation and loss of riparian habitat along the Salt River since the early 20th century. The Salt River once flowed perennially and supported substantial growth of cottonwoods, willows, and mesquites. The river channel carried abundant water that supported early irrigation projects. Increasing appropriation of surface and ground water to support expansion of agriculture and growing urban populations resulted in the trans-

formation of the Salt River to a dry river that flows only ephemerally in response to storm runoff.

As a result of this change, stands of native riparian habitat are rare in the study area, as they are throughout Maricopa County. Loss of riparian habitat is extremely significant in the arid southwest. Originally comprising a mere 3% of the landscape historically, over 95% of riparian habitat has already been lost in Arizona. This type of river-connected riparian and fringe habitat is of an extremely high value due to its rarity. Arid Southwest riparian ecosystems are designated as a critically endangered habitat type. It has been estimated that 75 to 90 percent of all wildlife in the arid southwest is riparian dependent during some part of its life cycle. As a direct consequence of the extent of the lost or degraded riparian habitat, the area has experienced a major reduction in species diversity and in the population of remaining species.

In addition, destruction of native riparian habitat facilitates an increase in invasive plant species that are more tolerant of disturbed conditions. Such plants consume more water than native vegetation, placing additional strains on limited water resources.

Ecosystem function was evaluated using a functional assessment model. The average annual functional capacity is forecast to deteriorate from its current capacity of 812 AAFCU to 705 units in 50 years. Multiplying the Functional Capacity Index scores by the number of acres of riparian area and taking the average provides this score.

Presently, there are still adjacent parcels of undeveloped land in the Salt River area, and potential sources of water for restoration still exist. As long as these conditions remain unchanged, there is an opportunity to accomplish significant restoration in the study area. Restoration alternatives have the potential to increase riparian habitat acreage and quality and thereby expand wildlife diversity and quantity, control invasive plant species and provide an ecological resource that is significant and valuable to the SRPMIC and to the region.

The Federal objective for ecosystem restoration studies is to contribute to National Ecosystem Restoration (NER) through increasing the net quality and/or quantity of desired ecosystem resources. The specific objectives for environmental restoration within the study area are as follows:

- Restore the riparian ecosystem to the degree that it supports native vegetation and wildlife through the Salt River from immediately downstream of the Granite Reef Dam to the Pima Freeway (SR 101).
- Establish a functional floodplain in unconstrained river reaches of the study area that is ongoing and mimics the natural processes found in other naturalized riparian corridors in Arizona.
- Provide passive recreation opportunities for visitors of all ages, abilities, and backgrounds that are in harmony with the SRPMIC's management of its culture and native ecology.
- Create awareness through ongoing educational opportunities of the significance of the cultural resources relating to the Salt River.
- Create awareness through ongoing educational opportunities of the significance of the Salt River ecosystem.

- Create awareness through ongoing educational opportunities of the ecological connection between other ongoing riparian restoration projects along the Salt River.

*Alternative Plans Considered:* A number of restoration measures were developed based upon the study objectives and constraints, public input and suggestions, and Corps and other federal and state agencies input, and were formulated to address problems and opportunities identified in the early phases of the study process.

Through an iterative process, the final array of 6 alternatives was identified, including the no action alternative. Additional refinement of those alternatives and subsequent analysis of costs and ecosystem restoration benefits relative to their effectiveness, acceptability, completeness, and efficiency led to the selection of the recommended plan.

*Description of Recommended Ecosystem Restoration Plan:* The recommended plan is Alternative O2. It provides the desired ecosystem restoration, produces high environmental outputs, is designated as the National Ecosystem Restoration (NER) Plan and is locally preferred. The recommended plan fully addresses the identified problems along this reach of the Salt River while including both structural and non-structural measures.

*Physical Data on Project Features:* The recommended plan includes:

- Restoration of 883 acres cottonwood/willow, 380 acres of mesquite, 200 acres of wetland, and 24 acres of Sonoran desert scrub shrub planted in the channel, on channel banks and at stormwater outlets;
- A surface braided irrigation network will allow surface water to be directed to areas of vegetation. Additional water will be collected from a new groundwater well and also diverted using the surface braided network;
- A grade control structure at the mid-point of the abandoned SRS&R Beeline One pit (Gilbert Quarry) to provide stream stabilization and protection to the newly established vegetation;
- A recreation plan including approximately 5 miles of maintained trails and a cultural center to highlight the SRPMIC culture.

*Selected Recreation Plan Description:* The proposed recreation plan was selected based on the evaluation of combined measures and the desires of the SRPMIC and City of Mesa. Alternatives varied from a plan with 5.1 miles of trail leading from the proposed Cultural Center south to Thomas Road, to a plan with 13.6 miles of trail connecting to the City of Mesa's existing trail system and to the arterial street grid. Economic analysis resulted in a final alternative for recreation with a benefit cost ratio of 1.5 with annual recreation benefits of \$170,800. The first cost of the plan is \$1,337,600. This is less than 1.5% of the costs of the Federal share of the restoration plan. Cost sharing for recreation is 50% Federal and 50% non-Federal. Annual operation and maintenance costs are \$256,500.

*Views of States, and Non-Federal Interests:* The Salt River Pima-Maricopa Indian Community and the City of Mesa have indicated their support for the recommended plan and have provided a Letter of Intent acknowledging sponsorship requirements for the rec-

ommended plan. The Arizona Department of Environmental Quality and the Arizona Game and Fish have provided statements of support for the restoration efforts.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service indicated support for the project. The opinion received through the Final Coordination Act Report and on going coordination favors the project, which addresses ecosystem restoration that is important to restore the environmental community in this area. The Environmental Protection Agency (EPA) has said it supports the restoration effort. During the draft Environmental Impact Statement (EIS) public comment period the EPA provided a letter stating its support, but outlined additional areas of impacts it would like addressed. Those areas have been addressed in the final EIS.

*Status of NEPA Document:* The draft Environmental Impact Statement was released for public and agency review May 7, 2004, and the review period closed June 21, 2004. The Final Environmental Impact Statement was completed and filed with EPA in the Federal Register on November 12, 2004.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$90,129,000
The Salt River Pima-Maricopa Indian Community and the City of Mesa .....	48,839,000
Total .....	138,968,000

*Estimated Effects:* This project is part of the growing effort to restore portions of the former riparian communities in the Arid Southwest thereby providing increased areas of threatened vital wildlife habitat.

Account	Average annual equivalent beneficial effects	Average annual adverse effects
Annualized Functional Capacity Units Net Increase .....	1006 AAFCU .....	Not Applicable.
Annualized Recreational Benefits .....	\$170,800 .....	Not Applicable.
Annualized Incidental Flood Damage Reduction (Base Year Only) .....	32,300 .....	Not Applicable.

Project economic life: 50 years.

Benefit-Cost Ratio (Recreation): 1.50. (Current Discount Rate: 5.625).

*Direct Beneficiaries:* Expected ecosystem restoration and recreation benefits for Maricopa County, the Salt River Pima-Maricopa Indian Community, and the City of Mesa along the Salt River between the Granite Reef Dam and Pima Freeway (SR 101).

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 3 January 2005.

(5) Hamilton City, California.—

*Location of Study Area:* Hamilton City is in Glenn County, California, along the west bank of the Sacramento River, about 85 miles north of the City of Sacramento. The study area includes Hamilton City and the surrounding rural area. It is bounded by the Sacramento River to the east and the Glenn Colusa Canal to the west and extends about two miles north and six miles south of Hamilton City. Hamilton City has a population of about 2,000. An existing private levee, constructed by landowners in about 1904 and known as the "J" levee, provides some flood protection to the

city and surrounding area. Surrounding land use is agricultural with fruit and nut orchards as the primary crops.

*Problems and Opportunities Identified in Study:* Flooding threatens public safety in and around the community of Hamilton City. The primary risk of flooding to Hamilton City is from the upstream, unregulated tributary streams along the Sacramento River between Shasta Dam and Hamilton City. The community relies on the "J" levee to contain flows in the Sacramento River. The "J" levee does not meet Corps of Engineers or any other levee construction standards and could fail at river levels well below the top of the levee. The Sacramento River is prevented from meandering. A primary problem of the riverine ecosystem in the study area is the loss of the river's natural function to erode its banks and migrate through its floodplain. Confinement of the river by levees, bank protection, and channel stabilization have limited erosion and deposition of sediment and the formation of essential riverine and riparian habitats. In addition, in the Hamilton City area, private levees protecting the community and surrounding agricultural lands have severed the Sacramento River from its historic floodplain. The levees greatly reduce the area subject to relatively frequent, ecologically significant flooding, which reduces the establishment of riparian vegetation and associated components. The lack of the disturbance pattern from flooding in riparian areas has resulted in a reduction in the natural mosaic of vegetative patterns. As a result, the quantity and quality of riparian and related floodplain habitat and dependent species has been diminished.

*Alternative Plans Considered:* Alternative plans were formulated for the primary project purpose, ecosystem restoration, to ensure a Al Ecosystem Restoration (NER) plan could be identified. Combined alternative plans were also formulated for both flood damage reduction and ecosystem restoration. In general, the most cost efficient plans aligned a new levee as far from the river as possible. This allowed the greatest extent of floodplain flooding and habitat restoration, maximizing ecosystem restoration and flood damage reduction benefits. To identify the NER plan, an incremental cost analysis was performed. Two alternatives were identified as "best buys" in that they provide the greatest increase in output for the least increase in cost and have the lowest incremental costs per unit of output relative to the other cost-effective plans. The comparison of the incremental outputs for the two "best buy" plans resulted in the identification of ecosystem alternative #6 as the NER plan. With the identification of alternative #6 as the NER plan, flood damage reduction measures were reevaluated and combined alternative plans were formulated to address other problems and opportunities. The preliminary combined alternative plans were screened against the four planning criteria of completeness, effectiveness, efficiency and acceptability. An incremental cost analysis was performed for the cost effective combined alternatives. Combined alternative 6 is determined to be the alternative plan that reasonably maximizes both ecosystem restoration and flood damage reduction benefits when compared to costs, and is identified as the Combined Plan. The non-Federal sponsor has indicated its willingness to sponsor this plan.

*Description of Recommended Plan:* The recommended plan consists of actively restoring about 1,500 acres of native vegetation,

constructing a setback levee about 6.8 miles long, starting at about 7.5 feet high and transitioning in two increments down to 6 feet high and then to three feet high, and breaching the existing “J” levee in several locations. The levee would provide the community with a 90% level of confidence of passing the 75-year, 35-year, and 11-year events, respectively, by increment.

*Views of States and Non-Federal Interests:* The State of California Reclamation Board has agreed to be the non-Federal sponsor for the project.

*Views of Federal and Regional Agencies:* Federal and regional agencies offered no comments.

*Status of NEPA Document:* A Final Environmental Impact Statement/Report (FSEIS/R) was completed for the project.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$33,000,000
The State of California Reclamation Board .....	17,600,000
Total .....	50,600,000

*Estimated Effects:* Full implementation of the recommended plan would result in the restoration of 1,500 acres of habitat, providing 888 average annual habitat units (AAHUs). It reduces expected annual flood damages by about \$604,000 (including avoided flood-fighting costs). The FDR benefit-to-cost ratio is about 1.9 to 1.

*Annual Benefits:*

Ecosystem restoration—888 Average Annual Habitat Units.

FDR—\$604,000 (BCR = 1.9 to 1).

*Current Status of Chief of Engineers Report:* A final Chief’s report was signed on 22 December 2004.

(6) Imperial Beach, CA.—

*Location of Study Area:* The Silver Strand shoreline is located at the City of Imperial Beach approximately 12 miles south of San Diego, California.

*Problems and Opportunities Identified in Study:* The shoreline at the City of Imperial Beach is severely impacted by this erosion. Estimates of the sediment budget indicate that approximately 76,000 cubic meters (100,000 cubic yards) per year is eroding from the Imperial Beach reach, corresponding to a shoreline retreat rate of two meters per year (6.6 feet per year). Many private property owners have constructed stone revetments or vertical seawalls to protect their property, but these non-continuous protection structures do not solve the erosion issue, and may fail as the beach recedes. Intermittent beach fills have been constructed, but not at a sufficient quantity to halt the shoreline retreat. At the current retreat rate, the shoreline in the north reach is expected to reach the first line of development by 2007.

*Alternative Plans Considered:* The Los Angeles District in its preparation of the General Reevaluation Report considered a broad range of potential structural and non-structural measures to prevent further erosion. The Corps examined (1) beach nourishment alone, (2) breakwaters with beach nourishment, (3) additional and extended groins with beach nourishment, (4) a new continuous revetment in the north reach of the study area, (5) a new continuous revetment in the north reach and a raised revetment in the south reach, and (6) a new seawall in the north reach. The Corps determined that the only project alternative that met the planning objectives of economic efficiency and public and regulatory accept-

ability was the beach nourishment alternative. Breakwaters have met with considerable public resistance at this location in the past. An array of 4 beach alternatives and 5 sacrificial nourishment intervals corresponds to a total of 20 project alternatives that were evaluated. The no-action plan was also evaluated.

*Recommended Plan:* The recommended plan is the plan that maximizes net national economic development benefits. The recommended plan, Alternative 1, fully addresses the problems of loss of structures and land due to erosion, and of structure damage due to direct wave attack, although some residual damages due to inundation and damage to existing revetments remain. The plan also retains a wide sandy beach for recreational use. The recommended plan involves construction of a base beach fill consisting of 450,000 cubic meters (589,000 cubic yards) of suitable beach sand, plus a sacrificial advance beach fill of 764,000 cubic meters (1,000,000 cubic yards), for a total initial beach fill of 1,214,000 cubic meters (1,589,000 cubic yards). The placement would be 2,165 meters (7,100 feet) long extending from the northerly groin to the southern end of the development, providing a base nourishment beach width of 12 meters (39 feet) at an elevation of +4 meters (+13 feet) MLLW. The foreshore slope would be set to 15H:1V. The additional sacrificial beach width would be 20 meters (66 feet), so that initially the nourished beach would be 32 meters (105 feet) wider than the existing beach. The nourished beach is expected to erode to the 12-meter (39-foot) width after 10 years. It would be renourished with a sacrificial advance beach fill of 764,000 cubic meters (1,000,000 cubic yards) every 10 years within the 50-year project lifetime.

The sand used for beach nourishment would be dredged from offshore, from one of two borrow areas. Borrow Area A is located approximately 2 kilometers (1.2 miles) north of the Imperial Beach pier. Borrow Area B is located approximately 4.5 kilometers (2.8 miles) south of the Imperial Beach pier. Both borrow areas contain beach compatible sand, and enough sand is believed to be present in either borrow area alone for the recommended plan.

The initial and periodic beach nourishment will provide a wide beach that is expected to remain in place over the project life of 50 years and will both provide protection against storm-related damage to structures, and maintain existing recreational facilities. Residual storm-related damages are anticipated from storm-related structure inundation, clean-up costs, and costs to maintain the existing revetment in the north reach.

*Physical Data on Project Features:* The project reach is 2,165 meters (7,100 feet) of the Silver Strand shoreline running from the south end of development at Seacoast Drive to the north limits of the City of Imperial Beach. The selected plan includes:

- Complete erosion control throughout the project reach with the construction of the initial and periodic sacrificial beach fills.
- A high degree of protection against storm-related damage to structures.
- Maintenance of recreational facilities through the provision of a sandy beach that is 12 meters (39 feet) wider than the year 2002 condition.

*Views of States, and Non-Federal Interests:* The City of Imperial Beach has indicated its support for the selected plan and has provided a Letter of Intent acknowledging sponsorship requirements for the recommended plan.

*Views of Federal and Regional Agencies:* Both the U.S. Fish and Wildlife Service and the California Department of Fish and Game have indicated their support for the project.

*Status of NEPA Document:* The Final Environmental Impact Statement/Environmental Impact Report were finalized in October 2002.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$7,592,000
Imperial Beach .....	4,270,000
Total .....	11,862,000

In addition, the cost of periodic renourishment over the 50-year life of the project is estimated to be \$38,004,000, or \$650,000 a year. These costs are cost shared at 50% Federal, 50% non-Federal.

*Description of Non-Federal O&M Costs:* At least twice annually and after storm events, perform surveillance of the beach to determine losses of nourishment material from the project design section and provide the results of such surveillance to the Federal Government, at an estimated annual cost of \$60,000.

*Estimated Effects (October 2004 price levels at 5<sup>3</sup>/s% discount rate):*

Account	Average annual beneficial effects	Average annual adverse ef- fects
Storm Damage Reduction .....	\$2,395,000	Not Applicable.
Recreation .....	744,000	Not Applicable.
Total .....	3,139,000	Not Applicable.

Project Economic Life: 50 years.

Benefit-Cost Ratio: 2.16.

*Direct Beneficiaries:* Expected storm damage reduction for the City of Imperial Beach along the developed area between the south end of development at Seacoast Drive to the north limits of the City of Imperial Beach.

*Current Status of Chief of Engineers Report:* A final Chiefs Report was signed on 30 December 2003.

(7) Matilija Dam, Ventura County, California.—

*Location of Study Area:* The study area includes most of the Ventura River and one of its tributaries, Matilija Creek, in Ventura County approximately 70 miles from Los Angeles. A major feature within this area is the Matilija Dam, which is located on Matilija Creek near the City of Ojai. The dam was constructed in the late 1940s and the reservoir has since filled with sediments. It is an impediment to fish passage and has degraded the natural processes in the river system.

*Physical Description of the Study Area:* The study area consists of the Ventura River watershed, particularly the Matilija Creek sub-watershed and Ventura River and surrounding areas, from the confluence of the north fork of Matilija Creek to the Ventura River. The study area is located in Ventura County, California near the Cities of Ojai (upstream) and Ventura (downstream). The study boundary encompasses an area of approximately 223 square miles

and over 33 miles of riverine habitat. The total acres included in the modified Habitat Evaluation Procedure (HEP) are about 2,814 acres. The Matilija Creek watershed begins in the Los Padres al Forest at elevations exceeding 5,000 feet and a drainage area of about 55 square miles. The elevation quickly drops to about 1,000 feet at Matilija Dam, located about 16 miles from the Pacific Ocean. The confluence of the two forks of Matilija Creek is located about  $\frac{1}{2}$  mile downstream of the dam. The confluence establishes the beginning of the Ventura River, which flows from north to south and empties into the Pacific Ocean.

*Problems and Opportunities Identified in the Study:* Construction of the 190-foot high Matilija Dam was completed in 1947 by the Ventura County Watershed Protection District (VCWPD, formerly the Flood Control District) to provide water storage for agricultural needs and limited flood control. Problems associated with the dam became evident within a couple of decades after construction and include: large volumes of sediment deposited behind the dam and the loss of the majority of the water supply function and designed flood control capability; the deteriorating condition of the dam; the non-functional fish ladder and overall obstruction to migratory fishes; the loss of riparian and wildlife corridors between the Ventura River and Matilija Creek; and the loss of sediment transport contributions from upstream of the dam, with resulting erosion to downstream reaches of the Ventura River, the estuary and the sand-starved beaches along the Ventura County shoreline.

Sedimentation behind the dam has rapidly reduced the ability to store a significant amount of water for future use. It is estimated that approximately 6 million cubic yards of sediments (silts, sands, gravels, cobbles and boulders) have accumulated behind the dam. The remaining shallow reservoir is about 500 acre-feet or seven percent (7%) of the original capacity and is expected to disappear by 2020. Storm flows carry mostly suspended fine sediments downstream; the coarser sediments remain trapped behind the dam. By approximately year 2040, the reservoir basin is expected to have reached an equilibrium condition and be completely filled with sediment totaling over 9 million cubic yards.

Matilija Dam has had many adverse effects on stream ecology and wildlife since its construction. Sediment trapped by the dam has deprived downstream reaches of sand and gravel sized materials necessary to sustain a suitable substrate for spawning, including the creation of riffle and pool formations, sandbars, and secondary channels. These conditions help promote habitat diversity capable of supporting many sensitive wildlife species such as the southern steelhead, southwestern pond turtle, the arroyo toad and the California red-legged frog. The dam has blocked upper watershed natural river flows and therefore has altered natural stream and habitat dynamics. Water that has been impounded and subsequently released downstream is typically of poorer quality, affected by higher temperature, lower dissolved oxygen, and potentially higher nutrient loads. The cumulative adverse effects of Matilija Dam on downstream ecology will continue for at least 100 years, long after the reservoir is completely filled with sediment.

Historically southern steelhead, a species of migratory trout, was common inhabitants of California coastal streams as far south as San Diego. In the last 50 years there has been a dramatic decline

from historic estimates of returning adults. This decline has been attributed in large measure to the numerous dams and diversions that have blocked steelhead access into historic habitat in the tributaries of major river systems, and the degradation to quality of habitat in rivers due to agricultural influence and urbanization. In 1997, the southern steelhead was listed as federally endangered. The Ventura River system once supported approximately 4,000 to 5,000 spawning southern steelhead. Current population estimates are less than 100 adult individuals for the Ventura River system. The steelhead habitat upstream from Matilija Dam was historically the most productive spawning and rearing habitat in the Ventura River system. It is estimated that about fifty percent (50%) of this remaining prime habitat was lost due to the construction of the dam.

Steelhead and other aquatic species (fish, including the Arroyo chub—a California State species of special concern, and amphibians) would regain access to approximately 17.3 river miles of high quality spawning and rearing habitat by removing Matilija Dam. Without removal of the dam, fish passage cannot be restored, as even a fish ladder facility could not provide a viable solution for a dam of this size.

Matilija Dam has contributed to streambed erosion in the riverine system. Where erosion of the streambed has been most severe and the active channel has become entrenched, the adjacent alluvial deposits in the floodplain are now abandoned. Flood flows up to the 100-year event can remain in the main channel and do not inundate the floodplain. Native habitats dependent on an active floodplain as a result are significantly impacted and drastically altered. The greatest influence of Matilija Dam to riverine sediment supply and transport are within the 8.5 river miles between the structure and San Antonio Creek. In this stretch of the river, the majority of sediment supply is from the North Fork Matilija Creek. Without the dam in place however, Matilija Creek would be the largest sediment contributor in these reaches. Immediately downstream of Matilija Dam, about 4 feet of erosion has occurred since 1971. Bedrock control limits the amount of erosion. In the reach downstream of Robles Diversion Dam, there has been up to 10 feet of erosion, as there is detention of sediment at that facility. However, if Matilija Dam were removed, degradation would not be a significant problem in this reach. Downstream of San Antonio Creek, a reach between river mile 2 and 5.5 (measured from the river mouth) has experienced up to 10 feet of erosion. This is attributed to a combination of sediment supply deficits resulting from the presence of Casitas Dam and Matilija Dam, as well as debris basins in San Antonio Creek watershed, and channel constriction by bridges.

Beach erosion, attributed to the influence of human activities including the construction of dams, has also been a problem along most of the local coastline. Over the last 50 years, Emma Wood State Beach, west of the mouth of the Ventura River, has eroded approximately 150 feet, indicating an erosion rate of 2 to 3 ft/yr. Surfer's Point just down coast of the river mouth, once a sandy beach, is now mostly cobble. Loss of upper sand beach zones has caused a loss of spawning habitat for the California grunion, and to foraging and breeding habitat for the federally listed threatened

western snowy plover. The extent of coastal dunes on both sides of the river mouth has been diminishing over the years as a result of the loss of protective beachfront and erosion by wave action. Coastal dunes and their habitats, which once supported the silvery legless lizard, a California-State species of special concern, are diminishing and will eventually be lost entirely.

The removal of Matilija Dam would release approximately 4 million cubic yards of sands, gravels and more coarse-grained sediment to Ventura River reaches downstream of the dam, and to the nearby coastline. The downstream channel degradation trends would reverse, and equilibrium (roughly pre-dam) channel bed elevations would be restored in about 10 years versus the approximate 100 years it would take if the dam were to remain in-place.

Recreation trails exist upstream and downstream of the Matilija Dam area, but not in the vicinity of the dam. The upper trails are located in the Los Padres al Forest. Downstream trails are primarily located along Highway 33, roughly parallel to the Ventura River. Opportunities exist to link the trail systems, particularly in combination with dam removal.

The natural streamflow in the Ventura River and associated subsurface alluvial groundwater is impacted by several major water extraction operations in the watershed: Matilija Dam, Casitas Dam, Robles Diversion Dam, Foster Park diversion facility and other smaller water extractors. The average annual extraction operations in the Ventura River are about 18,000 acre feet. Matilija Dam provides an average of 590 acre feet/year to Robles Diversion Dam located two miles downstream of Matilija Dam (owned by the Bureau of Reclamation and leased to Casitas Municipal Water District, CMWD) and diverts water during large storm events from the Ventura River to Lake Casitas, the primary surface water supply for the County of Ventura. The effects of these extractions limit the duration and magnitude of river flow necessary for successful steelhead migration, and in addition, adversely affect in-stream habitat characteristics. During the summer/fall period when natural flows are low, fish and aquatic organisms that become isolated as a result of receding stream flows are subjected to predation, impaired water quality, and desiccation once flows cease. This diversion dam has impacted steelhead migration, spawning and rearing throughout the lower Ventura River. CMWD has constructed a fish passage that is intended to restore the capability for fish to pass the Robles Dam. The only remaining upstream obstruction to fish passage along Matilija Creek will be Matilija Dam.

Discharges into the Ventura River, including point source contributions from a wastewater treatment facility, and non-point source contributions from agricultural and urban development have affected the water quality of the river. The California Regional Water Quality Control Board has classified the Ventura River as a Category I (impaired) watershed and has approved the river's status on the 303(d) list and TMDL priority schedule for pollutants including DDT, copper, silver, zinc, algae (eutrophication) and trash.

*Planning Objectives:* The Federal objective for ecosystem restoration studies is to contribute to al Ecosystem Restoration (NER) through increasing the net quality and/or quantity of desired ecosystem resources. The Corps, the sponsor, resource agencies and

stakeholders based on public input, meetings, and identification of the problems and needs, developed the primary objectives for this study. The primary ecosystem restoration study objectives are:

- Improve aquatic and terrestrial habitat along Matilija Creek and the Ventura River to benefit native fish and wildlife species, including the endangered Southern California steelhead trout.
- Restore the hydrologic and sediment transport processes to support the riverine and coastal regime of the Ventura River Watershed.
- Create recreational opportunities along Matilija Creek and the downstream Ventura River system.

*Alternative Plans Considered:* Multiple iterations of formulation and screening of measures and alternatives were conducted during the plan formulation process. These activities involved the multi-agency members represented in the various groups formed to address specific issues related to dam fate, sediment management, the ecosystem, fish migration barriers, water supply, flood control, recreation, air quality, noise, and traffic. Measures that address the study objectives were considered, discussed, combined in different manners and screened during this process.

*Description of Recommended Ecosystem Restoration Plan:* Alternative 4b best satisfies the project objectives. It provides the desired ecosystem restoration, produces high environmental outputs, and is designated as the National Ecosystem Restoration (NER) Plan and, with the addition of an associated feature that will be paid for by the sponsor, it is the Locally Preferred Plan and the Recommended Plan. The selected plan fully addresses the identified problems along the Matilija Creek and the Ventura River.

*Physical Data on Project Features:* Project features include:

- Slurry of approximately 2 million cubic yards ( $\frac{1}{3}$  of total deposits) of fine sediments (silts and clays) from behind Matilija Dam approximately 5 miles downstream to slurry disposal sites;
- Construction of levees/floodwalls at Casitas Springs, Live Oak and Meiners Oaks;
- Addition of two wells at Foster Park;
- Construction of high-flow sediment bypass structure at Robles Diversion Dam;
- Contouring of remaining 4 million cubic yards of deposited sediments into sediment storage areas as source for future natural erosion/transport downstream during storm events;
- Construction of 100-foot wide meandering fish passage channel through former sediment deposition area;
- Addition of soil cement to two downstream sediment storage areas;
- Dam removal by controlled blasting in 15-foot increments;
- Construction of recreation trail along slurry pipeline alignment;
- Construction of desilting basin adjacent to Robles Canal (to be paid for by the Sponsor)

*Selected Recreation Plan Description:*

A new trail system includes a hiking trail linking the existing Los Padres al Forest Matilija Wilderness Area trails to the Matilija Reservoir Area. The dirt trail would then be designed for multiple

uses (hiking, equestrian and mountain biking) along the existing unimproved access road that parallels the eastern edge of the Matilija Reservoir Area to the road entrance below the dam site. The multi-use trail would continue downstream along the Ventura River using the slurry pipeline and service road alignment after completion of that phase of the project. The trail would extend from Matilija Road to the Highway 150 Bridge (Baldwin Road) crossing. The Sponsor would pursue a link between the lower end of this proposed trail at Highway 150 Bridge crossing to the County of Ventura Ojai Valley Trail located along Highway 33, about a ¼ mile away. The total length for this trail system is about 7 miles.

Vegetative barriers, such as chaparral, would be used along portions of the trail to protect adjacent private properties and environmentally sensitive habitat areas from unwanted access by trail users. Fencing would be installed where vegetative barriers could not be used.

Two trailheads would be constructed for the multi-use recreation trail. The lower site would be located at the Highway 150 Bridge as part of the restoration plan for the disposal site, and the upper site would be at a rest area at the current location of Matilija Dam. Consideration would be given to including turnarounds, parking, footbridges and other measures for access and circulation as well as safety measures along the trails.

Three rest areas are proposed for the project area based on existing facilities and landscape features. Specific facilities at these areas could include comfort stations, shelters, picnic areas, drinking fountains and faucets, interpretive signs and markers, and similar features consistent with Corps of Engineers guidance.

*Views of States, and Non-Federal Interests:* The Ventura County Watershed Protection District has indicated its strong support for the Recommended Plan.

*Views of Federal and Regional Agencies:* The NOAA, al Marine Fisheries Service, the U.S. Fish and Wildlife Service, the Bureau of Reclamation, the California Regional Water Quality Control Board, the California Coastal Conservancy, and multiple other wide, regional and local environmental groups have expressed strong support for the Recommended Plan.

*Status of NEPA Document:* The Final Environmental Impact Statement/ Environmental Impact Report has been completed.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$78,973,000
Ventura County Watershed Protection District .....	51,362,000
Total .....	130,335,000

*Estimated Effects:* This project will restore a vital link to a fragmented ecosystem in Ventura County and will provide access to pristine habitat areas within the Los Padres al Forest. This dam removal project is the first of its kind with Corps of Engineers participation based on the scope and scale of the effort. The economic analysis is presented in the following summary table.

ECONOMIC ANALYSIS OF RECOMMENDED PLAN

Average Annual Cost per Habitat Unit .....	\$10,127
Avg. Annual Equivalent Cost per Acre .....	2,723

## ECONOMIC ANALYSIS OF RECOMMENDED PLAN—Continued

First Cost per Acre ..... \$43,984

These values are based on Fiscal Year 2004 price levels, and an interest rate of 5.625 percent and a 50-year period of economic analysis. The costs for associated features and the recreation Plan are not included in the average annual cost calculations for the NER analysis. The average annual benefits reflect the increase in habitat units based on HEP values, reflecting non-monetary benefits.

## HEP COMPARISON OF NO ACTION TO RECOMMENDED PLAN (HABITAT UNITS)

Target year	Steelhead habitat component		Riparian habitat component		Natural processes component		Totals	
	No action	With project	No action	With project	No action	With project	No action	With project
0 .....	177	177	1032	1032	228	228	1437	1437
5 .....	234	501	1029	1125	228	240	1491	1866
20 .....	234	543	944	1145	228	520	1406	2208
50 .....	234	544	782	1183	286	570	1302	2297
AAHUS .....	231	514	917	1147	245	464	1393	2128
Change in AAHUS .....		283		229		219		731
% Change .....		122		25		89		53

Project economic life: 50 years.

Benefit-Cost Ratio (Recreation): 4:1 (Discount Rate used: 5.625).

*Direct Beneficiaries:* Ecosystem restoration and recreation features of the Recommended Plan directly benefit the Ventura County Watershed Protection District and the local communities and residents of the Ventura River Watershed.

*Current Status of Chief of Engineers Report:* A Chief's report was signed on 20 December 2004.

(8) Middle Creek, Lake County, California.—

*Location of Study Area:* Middle Creek is located in Lake County, approximately 80 miles north of San Francisco and is the main tributary into Clear Lake, the largest natural lake entirely within the borders of California.

*Problems and Opportunities Identified in Study:* Flood-related problems in the study area include potential damages from inundation to structures and extensive areas of agriculture from overflow from Rodman Slough. Prior to agricultural reclamation efforts, the study area was also part of Clear Lake. Although surrounded by levees, the study area remains at risk from flooding from both Clear Lake and Rodman Slough because of levee settlement. The majority of the study area is now included in the FEMA 100-year flood plain even though the Corps' Middle Creek Project was constructed in the 1960's to provide 100-year protection to the area.

Considerable ecosystem degradation has taken place in the study area. Historically, the area was a portion of Clear Lake and consisted of tule marsh and open water. Shoreline wetlands served an important function to Clear Lake, providing fish and wildlife habitat, and trapping sediments. These wetlands were converted to agricultural fields during the last century. Problems associated with this degradation have increased over time. These problems include loss of natural habitat, loss of ecosystem function, and degraded

water quality. Opportunities presented to reduce flood damage reduction and restore the ecosystem.

*Alternative Plans Considered:* Five alternative plans were included: (1) no action; (2) restoring the 100-year flood plain boundary, approximately 1,650 acres of potential open water, wetland, riparian and upland habitat, breaching existing levees acquiring property, relocation of 22 structures and a ring levee around tribal trust lands; (3) similar to alternative 2 but smaller, only approximately 1,127 acres, construction of a cross levee and ring levee; (4) similar to 2 and 3 but smaller area of 890 acres to include a cross levee and ring levee; and (5) a non-structural flood damage reduction alternative with no ecosystem restoration, area of approximately 1,650 acres, similar to alternative 2 without the habitat restoration.

*Description of Recommended Plan:* The recommended plan is not the plan that maximizes net national economic development benefits. Alternative 2 encompasses about 1,650 acres, extending from the current shoreline of Clear Lake to the 100-year flood plain boundary. This alternative would restore the entire flood plain in the study area, with the exception of the Tribal lands adjacent to the study area. Alternative 2 was formulated to address both planning objectives. This alternative plan focuses on reconnecting the flood plain of Middle Creek to the historic Robinson Lake wetland area by breaching the existing levee system to create inlets that direct flows into the study area and providing flood damage reduction by relocating residents from the flood plain.

*Physical Data on Project Features:* A portion of the Middle Creek Project levee from the confluence of Scotts and Middle Creeks to Clear Lake [would need to be] [is] deauthorized to allow it to be breached. Channels and sloughs will be constructed to direct creek flows from the breaches through the study area to Clear Lake. A ring levee will be constructed to provide an existing level of protection for the Tribal lands. Implementation of this alternative will result in 765 acres of wetlands, 230 acres of riparian, 405 acres of open water, and 250 acres of upland habitat.

This alternative also will require that all structures and personal property be removed from the study area. A total of 22 structures and associated infrastructure (septic tanks, plumbing, and electrical) would be demolished and removed from the project area. Wells will be abandoned and capped as required by County and State standards. Property owners will be compensated and relocated outside the flood plain. All current agricultural practices within the flood plain will be discontinued.

Alternative 2 provides \$285,000 in average annual National Economic Development (NED) benefits. The average annual costs for allocated flood damage reduction is \$252,000, resulting in net NED benefits of \$30,000 and a benefit-to-cost (B/C) ratio of 1.12. Alternative 2 produces 869 Average Annual Habitat Units with an incremental cost per unit of \$547.

*Views of States, and Non-Federal Interests:* The sponsor, Lake County Flood Control and Water Conservation District, has continued to express support for the project, understands the cost sharing requirements during preconstruction engineering and design and is prepared to execute a cost sharing agreement upon completion of the feasibility study.

*Views of Federal and Regional Agencies:* At this time, 4 of the 6 native American tribes within the Clear Lake Basin have expressed support of the project, the local Bureau of Indian Affairs also has expressed support of the project provided continued coordination with all tribes and BIA, U.S. Fish and Wildlife and EPA supports the project based on their review of the draft report.

*Status of NEPA Document:* The Integrated Feasibility Report and Environmental Impact Statement/Environmental Impact Report are complete.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$27,256,000
Lake County .....	14,537,000
Total .....	41,793,000

*Description of Non-Federal Implementation Costs:* Non-Federal implementation costs include \$18,229,000 in land acquisition, \$2,497,000 in relocations and \$645,000 in design and construction management costs, total Non-federal \$21,371,000 costs, Federal reimbursement of \$6,834,000, for total Non-Federal cost of \$14,537,000.

*Description of Non-Federal O&M Costs:* The OMRR&R cost for the ecosystem restoration consists of \$104,000 for systematic thinning of terrestrial vegetation to maintain unimpeded hydraulic flows in the study area and to provide maintenance to the ring levee. Costs would also be associated with the adaptive management plan.

*Estimated Effects:* Construction of the restoration area will cause temporary effects to the environment. Once construction is complete, approximately 765 acres of wetlands, 230 acres of riparian, 405 acres of open water and 250 acres of upland habitat will be restored. Approximately 22 structures will be removed.

Project economic life: 50 years.

Benefit-Cost Ratio: 1.12 (Oct 2002 price levels, 6 $\frac{1}{8}$ %).

Habitat Benefits: 869 AAHUs.

Alternative 4 was the NED plan with the NED benefits of \$35,000 but the NER plan was Alternative 2 with 869 AAHUs versus Alternative 4 with only 127 AAHU's habitat benefits. The combined NED/NER plan was selected with benefits of \$30,000 and 869 AAHUs.

*Direct Beneficiaries:* The project would provide flood damage reduction, improve ecosystem values in the Middle Creek area; improve fish and wildlife habitat, increase wetland, riparian, and upland/foraging habitats; reestablish native historic plant and wildlife communities within the historic Robinson Lake area; reconnect Middle Creek to the historical flood plain and increase ecosystem habitat values to the watershed.

*Relationship to Other Plans:* Construction of the Middle Creek Flood Control Project was completed by the Corps in 1966. The project, which included 14.4 miles of levees, diversion structures, and a pumping station, separated the historic Robinson Lake wetlands area (about 1,500 to 2,000 acres) and a shallow bay of the Upper arm of Clear Lake from Rodman Slough located upstream of Clear Lake. The project included levees and incidental channel improvements along 7 miles of Middle Creek (including Rodman Slough), a channel to divert Clover Creek overflow around the town

of Upper Lake, levees along lower Scotts Creek creating the Middle Creek Reclamation area, and pumps to discharge drainage. This ecosystem restoration project will modify 7 miles of levees along Middle Creek, which were part of the Middle Creek Flood Control Project.

*Current Status of the Chief of Engineers Report:* A Chief's report was signed on 29 November 2004.

(9) Napa River Salt Marsh, California.—

*Location of the Study Area:* The study area is located approximately 30 miles northeast of the City of San Francisco, in unincorporated portions of Napa, Sonoma, and Solano Counties, California. The study area is located on the northeast side of San Pablo Bay, immediately west of the Napa River, and immediately east of Sonoma Creek. The study area consists of the Napa River Unit of the Napa-Sonoma Marshes State Wildlife Area (NSMWA), which is comprised of 12 ponds formerly used for solar salt production.

*Problems and Opportunities Identified in Study:* Diking or filling has destroyed nearly 90 percent of the original tidal wetlands of San Francisco and San Pablo Bays. The project site, historically dominated by tidal salt marsh, was diked and converted to hayfields approximately 150 years ago. Subsequently, in the early 1950s, the diked areas were converted to solar evaporation salt ponds. The project is a part of a larger effort to restore a portion of diked Baylands to tidal action to support endangered and special species (such as the salt marsh harvest mouse and California clapper rail) recovery, improve water quality, and restore greater ecological balance to the San Francisco Bay area.

*Alternative Plans Considered:* Initially, twenty-four salinity reduction, seven habitat restoration, and three supplemental water delivery alternatives were considered in the alternative screening process. The screening process narrowed consideration to seventeen alternatives, including the No Action Plan, that were carried forward. All possible combinations of salinity reduction options and habitat restoration options were considered.

*Description of Recommended Plan:* The Recommended Plan is the plan that maximizes net national ecosystem restoration benefits and would involve salinity reduction of Ponds 4, 5, 6 and 6A through water discharges to the Napa River, and bittern removal/salinity reduction of Ponds 7, 7A and 8 through water discharges to Napa Slough. The Recommended Plan would use a combination of natural water sources to achieve the salinity and bittern reductions, including seasonal rainfall and flows from neighboring waters (Napa Slough and Mud Slough.) This plan was recommended because it provides a balanced mix of pond and tidal habitat, manages restoration related risk through effective use of adaptive management, and is determined to be the most cost effective based on cost effectiveness/incremental cost analysis evaluation. The Secretary is authorized to carry out the recommended plan. However, the Secretary is directed to include as part of the project, construction of a recycled water pipeline and restoration of Salt Ponds 1, 1A, 2, and 3.

*Physical Data on Project Features:* The plan would be constructed with two broad categories of outputs in mind: (1) desalination; and (2) habitat restoration. Features aimed at the desalination portion would include a combination of water conveyance and control struc-

tures—including intakes, fish screens, outfalls, diffusers, siphons, mixing chambers, and levee breaches. The recycled water pipeline that is included in the project extends from the Sonoma Valley County Sanitation District Wastewater Treatment Plant and the Napa Sanitation District Wastewater Treatment Plant. Habitat restoration features would include construction of starter channels and berms, levee lowering, blocking ditches, breaching of ponds to reestablish tidal actions, and maintenance of ponds that currently provide good habitat. The Recommended Plan would result in the restoration of approximately 4,534 acres of high-quality pond and tidal marsh habitat.

*Views of States, and Non-Federal Interests:* The State of California responded verbally with no comment during the 30-day State and Federal agency review period, which began on 20 August 2004 and expired on 20 September 2004.

*Views of Federal and Regional Agencies:* The U.S. Department of Interior responded via letter dated 22 September 2004 with no comment. FEMA, Health and Human Services, and the U.S. Coast Guard responded verbally with no comment. The Environmental Protection Agency responded via Federal Register notice dated 10 September 2004 with no comment.

*Status of NEPA Document:* A Final Environmental Impact Statement/Report (SEIS/EIR) was completed for the project. The Notice of Availability for the Final SEIS/EIR was published in the Federal Register on 20 August 2004; the final date for comments was 20 September 2004. No significant comments have been received.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$64,000,000
Non-Federal Interest .....	36,500,000
Total .....	100,500,000

*Description of Non-Federal O&M Costs:* The CDFG will assume ownership of the constructed project and be responsible for all operations and maintenance (O&M) activities associated with the ponds. O&M responsibilities for the project include levee inspection and maintenance, repair and replacement of water conveyance and control structures, operator's labor, maintenance materials, equipment and labor, inspection reports, utilities, removal of invasive exotic vegetation such as Spartina and other major replacements.

*Estimated Effects:*

NER Effects: Average Annual Habitat Units: 2,000.

Recreation annual benefit: \$1,170,000.

*Direct Beneficiaries:* Native species of flora and fauna (including special-status species), the general public, and users of the recycled water pipeline after the project is completed.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 22 December 2004.

(10) South Platte River, Denver, Colorado.—

*Location of the Study Area:* The project is located on the Zuni/Sun Valley Reach of the South Platte River, between 8th Avenue and Lakewood Gulch.

*Problems and Opportunities Identified in Study:* The City and County of Denver has accomplished much towards restoring the environmental assets of Denver's South Platte River corridor. Only the Zuni to Sun Valley reach, which includes the Zuni Power Plant

and the Sun Valley housing development, remains in a severely degraded condition. A low head Fabridam that is used to store water for cooling purposes by the Zuni Power Plant dominates this area by backing up water for over one mile and blocking upstream movement of aquatic organisms to an additional 13 miles of river habitat. Ecosystem problems include restricted fish mobility (100 percent blockage during low river flows); low dissolved oxygen levels upstream of the Fabridam; harmful sediment deposition in areas downstream of the Fabridam following periodic flushing of sediment trapped above the dam; no protective cover for aquatic species downstream of the dam; minimal riparian habitat; virtually no wetland habitat; extremely low stream flow depth to width ratios; elevated stream temperatures from power plant discharged water and from stagnant upstream pools heated by sunlight; bank stabilization problems caused by the Fabridam backwater; elimination of wildlife mobility due to the presence of the Fabridam, significant invasion by non-native plant species; minimal river access constraining recreational use of the river corridor; and safety problems due to steep banks and deep pools behind the dam.

Opportunities exist to restore this last river reach in metropolitan Denver, resulting in unrestricted mobility through aquatic, riparian, and terrestrial habitat and substantial increases in wetlands and quality aquatic habitat. Once the Fabridam is removed and aquatic and riparian habitat is restored, an unobstructed South Platte greenway will exist through the entire 35-mile reach from Chatfield Dam through the Denver metropolitan area.

Weir Gulch, a west bank tributary entering the South Platte River a few thousand feet upstream of the Fabridam, also presents significant opportunity for restoration and reconnection of aquatic and riparian habitat with the South Platte River.

*Alternative Plans Considered:* Measures considered included revegetation, bank modifications, Weir Gulch restoration, removal of the Fabridam, development of a low flow channel, and no action. Also, the potential for abandonment of the dam was considered at some future point in time; however, the power plant, which relies on the dam for necessary cooling water, is expected to operate indefinitely into the future. Combinations of these measures were evaluated for cost-effectiveness and "best buy" (incremental analysis).

*Description of Recommended Plan:* The recommended plan is the plan that maximizes net national ecosystem restoration benefits. This plan consists of the removal of the Fabridam, construction of a 250 cfs low flow channel, site utility relocations, and full site restoration including bank modifications, revegetation with native plants, and Weir Gulch restoration. With removal of the Fabridam, a new alternative cooling water supply (a within-channel infiltration gallery system) will be constructed to allow continued operation of the Zuni Power Plant.

*Physical Data on Project Features:* The recommended NER plan will restore 15 acres of fish and wildlife habitats along one mile of the stream corridor of the South Platte River. Bank modifications will include removal of existing riprap, stripping of vegetation, excavation of soil material, and use of excavated west bank soil material to build out and stabilize the east bank. A 250 cfs low flow channel excavated into the channel will concentrate flows in a

slight meandering pattern, creating aquatic and wetland habitat through the formation of riffles, pools and bars. The stream corridor throughout the project area will be fully vegetated with native species. Weir Gulch restoration will consist of clearing, grading and revegetation for approximately 600 feet upstream from its mouth.

*Views of States, and Non-Federal Interests:* This project is strongly supported locally by the Greenway Foundation, Urban Drainage and Flood Control District, and the City and County of Denver, the study's non-Federal sponsor. A letter from the State of Colorado Division of Wildlife dated 9 March 2001 and a letter from the Denver Board of Water Commissioners dated 20 February 2001 provided extensive support for this project, including support for the removal of the Fabridam and for the established goals for restoration of the South Platte River downstream of 8th Avenue to Lakewood Gulch. There is broad community support for South Platte River restoration, as reflected in letters of concurrence from the Colorado Historical Society and support from nongovernmental organizations, including the Audubon Society and Sierra Club. Approximately 40 letters of support have been received from agencies, organizations, and other interested parties. A State of Colorado letter dated 2 December 2002 had a few minor concerns that have been formally addressed by the Omaha District in a letter dated 25 February 2003.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service letter dated 14 February 2001 States directly that the proposed project would not negatively impact any threatened and endangered species. The Environmental Protection Agency provided two letters, dated 15 March 2001 and 26 February 2003, supporting the project.

*Status of NEPA Document:* The finding of no significant impact was signed on 7 August 2002, following public review. No opposing or negative responses were encountered or submitted.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$12,236,000
Non-Federal .....	6,588,000
Total .....	18,824,000

*Description of Non-Federal Implementation Costs:* The City and County of Denver will be responsible for acquiring all real estate necessary for project construction, including relocation of all utilities, as well as construction of the infiltration gallery and acquisition of all consumptive water rights. In accordance with report recommendations, the Federal Government will execute and/or reimburse the non-Federal sponsor for all activities that exceed their 35% total project cost obligation.

*Description of Non-Federal O&M Costs:* At the end of the monitoring period, and upon receipt of the OMRR&R manual, the local sponsor will assume normal operation and maintenance responsibility for the project. Future operation and maintenance requirements will be funded entirely by the local sponsor.

*Estimated Effects:* The recommended NER plan will restore 15 acres of fish and wildlife habitats along one mile of the stream corridor of the South Platte River. A more natural flow regime will be restored by removal of the Fabridam. Negative downstream impacts associated with sediment flushing at the Fabridam every 3–

4 months will be eliminated. The project area will experience improved water temperatures and water quality, a significant increase in native plants and fish habitat, a decrease in non-native plants and noxious weeds, and a net gain of approximately 3 acres of wetland. A productive and biologically diverse fish and wildlife community, including migratory waterfowl and fish-eating birds, riparian songbirds and mammals, and native fish, will develop. Unrestricted movement by mobile aquatic and riparian species will be possible along a 35-mile reach of the South Platte River, since restoration of river reaches both upstream and downstream of the proposed project through Denver has previously been completed by local interests.

*Direct Beneficiaries:* Fish and wildlife using the South Platte River and the residents of the Denver metropolitan area and the rest of the Nation will benefit from the improved fish and wildlife habitat quality and quantity.

*Relationship to Other Plans:* The City and County of Denver has spent over \$35 million of local funds on numerous projects upstream and downstream of Denver County Reach to create a more environmentally sound South Platte River through metropolitan Denver. As the last major river restoration project in metropolitan Denver, the proposed Denver County Reach project completes the transformation of the South Platte River from one long-abused as solely a means of providing storm drainage and a water delivery system for residential, agricultural and commercial interests to a river corridor recognized as having great environmental value. The project location is upstream and contiguous to the Section 1135, Colfax Reach Project.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 16 May 2003.

(11) Miami Harbor, Florida.—

*Location of Study Area:* Miami Harbor is located on the east coast of Florida in Biscayne Bay near the southern end of the Florida peninsula.

*Problems and Opportunities Identified in Study:* Currently vessels using the harbor must light-load to enter or leave the harbor causing increased transportation costs. Entrance channel and inner harbor widths and depths are not adequate for safe, cost-efficient transiting of many existing and future container ships. Difficult crosscurrents at the beginning of the entrance channel and the transition from Cut-3 to Lummus Island Cut have resulted in groundings. Ships transiting the Lummus Island Cut pass extremely close to vessels docked at the gantry crane berths, which results in a surge effect on those ships at dock. The surge effect produces a force that tends to pull ships away from their moorings and makes unloading difficult.

Proposed widenings at the beginning of the entrance channel, along the southern intersection of Cut-3 with Lummus Island Cut, and along the southern edge of Lummus Island Cut will improve navigation safety, and reduce tug assists. The proposed channel deepening will provide a reduction or elimination of light loading costs. Expanding the Fisher Island Turning Basin will decrease transit times for ships due to an additional turning basin. Those transportation efficiencies will allow the existing and future container ships to carry more cargo and reduce transportation costs.

*Alternative Plans Considered:* To achieve the cost reduction benefits mentioned above six initial measures or components received consideration. As a result of information received during the coordination process, modifications to those components resulted in reduced environmental impacts to reef and seagrass areas while increasing navigation safety. Iterative reviews involving resource agencies, ship simulation results, and the harbor pilots resulted in modifications to the original six components to provide fourteen total components that received consideration. Continued dialogue with interested parties completely avoided one reef area at the entrance channel and produced similar reductions in seagrass impacts and construction costs for the other proposed components. For evaluation of benefits different combinations of components resulted in nine alternative plans. The nine alternative plans include a no action plan, a channel widening alternative (Components 1C, 2A, and 5A), an expansion of Fisher Island Turning Basin (Component 3B), deepening the previously authorized channel configuration to depths of 43–50 feet, four combinations of deepening and widening alternatives, and a 36-foot deepening and widening alternative (Components 6 and 6A involving extension and widening of the Dodge Island Channel and construction of the Dodge Island Turning Basin). Component 4 involved a non-structural alternative, which shifts the cruise ship channel or Cut-4 to an area of existing deep water.

The NED plan consists of widening components 1C, 2A, and 5A optimized at a depth of 49 feet. The NED plan would provide AAEQ benefits of \$14,710,000 and AAEQ costs of \$10,010,000, which resulted in net AAEQ benefits of \$4,700,000 and a benefit-to-cost ratio of 1.5 to 1.

The sponsor is willing to pay for an additional foot of depth, which provides for a locally preferred plan of 50 feet. The LP plan has AAEQ benefits of \$14,740,000 and AAEQ costs of \$10,650,000, which provides net AAEQ benefits of \$4,090,000 and a benefit-to-cost ratio of 1.4 to 1.

*Description of Recommended Plan:* The recommended plan is not the plan that maximizes net national economic development benefits. The recommended plan is the locally-preferred plan and consists of:

- Component 1C—Widen seaward portion of Cut-1 from 500 to 800 feet and deepen Cut-1 and Cut-2 from a project depth of 44 to 52 feet for the LP plan;
- Component 2A—Add turn widener at the southern intersection of Cut-3 with Fisherman's Channel and deepen to a project depth of 50 feet for the LP plan;
- Component 3B—Increase the Fisher Island Turning Basin from 1200 to 1500 feet. Truncate the northeast section of the turning basin to minimize seagrass impacts. Deepen from a project depth of 42 feet to 50 feet for the LP plan;
- Component 4—Realign the western end of the existing 36-foot main channel about 250 feet to the south, no dredging required; and
- Component 5A—Expand the Sponsor's berthing area by 60 feet and widen the southern edge of Fisherman's Channel (Lummus Island Cut) about 40 feet for a 100-foot increase in total width, reduce the Lummus Island (Middle) Turning Basin

to a 1500-foot diameter from the currently authorized 1600-foot diameter, and deepen from a project depth of 42 feet to 50 feet for the LP plan.

Mitigation for channel widening includes construction of artificial reef areas and filling existing borrow sites for seagrass restoration. Based upon the extent of impacts and the ratios discussed, restoration of approximately 24 acres of seagrass beds would occur as compensation for unavoidable impacts. Seagrass impacts include the permanent loss (removal) of 0.2 acres of mixed seagrass beds and the indirect loss of 7.7 acres of seagrass due to the natural equilibration of side slopes for a total of 7.9 acres. In order to replace local seagrass functions and values, restoration would be implemented within Biscayne Bay, preferably in areas where seagrass once occurred and is now absent due to past borrow site excavation for causeway construction. New impacts to low relief hardbottom/reef and high relief hardbottom/reef total 1.4 and 3.1 acres, respectively. Based on the Habitat Equivalency Analyses calculations, direct impacts to hardbottom/reef habitats would require the construction of artificial reef habitat at an effective mitigation ratio of 2:1 for high relief hardbottom/reef habitat and an effective mitigation ratio of 1.3:1 for low relief hardbottom/reef habitat. Construction of mitigation reefs would occur in two different designs to reflect the differences in the habitat structure of the two types of hardbottom/reefs impacted. For the high relief reef/reef habitat development of a total of 6.2 acres would occur. For the low relief hardbottom/reef habitat development of a total of 1.82 acres would take place. Reef construction would occur at proposed artificial sites located south of the entrance channel. The sponsor will have responsibility for five years of post-construction monitoring of both the seagrass and reef mitigation sites.

*Physical Data on Project Features:* The recommended plan would consist of dredging approximately 6.0 million cubic yards of limestone and sands. Mitigation for impacts to entrance channel reef areas and seagrass beds is described in the paragraph above.

*Views of States, and Non-Federal Interests:* Public and agency views including correspondence and informal comments received to date from coordination of the Draft GRR/EIS and public meeting on May 6, 2003, have been addressed and are included in Appendix N of the final EIS. Florida Department of Environmental Protection/State Clearinghouse letter dated May 14, 2003, described the project at this stage as consistent with the Florida Coastal Management Program (FCMP) based on information contained in the Draft GRR and EIS. All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The Department's Bureau of Beaches and Wetland Resources issued a state water quality certification in the form of a Consolidated Notice of Intent to Issue an Environmental Resource Permit and Authorization to Use Sovereign Submerged Lands on December 23, 2002, for the channel maintenance dredging and deepening project to complete construction of the 42-foot depth along the Lummus Island Cut (phase II dredging—not proposed new work). The potential environmental impacts of the project have been ad-

addressed in the permit, water quality certification and authorization to use sovereign submerged lands (Permit No. 0173770-001-EI), pursuant to Chapters 161, 253, and 373, Florida Statutes. Final agency action on the permit application will constitute the State of Florida's final consistency determination. Local agencies included Miami-Dade County Department of Environmental Resources management, South Florida Regional Planning Council, and the City of Miami. Non-Government Organizations/Institutions included the Biscayne Bay Pilots, and the Biscayne Bay Regional Coordination Team (formerly the Biscayne Bay Partnership Initiative).

Additionally, numerous National and local environmental organizations were coordinated with through the draft EIS review and public meeting processes. Reviewers and commenter included: The Sierra Club; Save the Manatee; Tropical Audubon Society; Surfrider Foundation; Caribbean Conservation Corps and Reefkeeper Interl. Reviewers and Commenter expressed concerns about impacts of the project to seagrass and coral reef habitats, sufficiency of the mitigation plan presented in the DEIS as well as impacts to endangered, threatened and protected marine species that inhabit the project area. These comments are addressed in Appendix N of the FEIS.

The sponsor, the Miami-Dade County Florida Seaport Department (Port of Miami), in a letter dated April 26, 2004, strongly supports the findings and recommendations of the General Reevaluation Report and Environmental Impact Statement with one reservation. Regarding the calculation of the cost sharing from depths of 0 to 42 feet in Component 5A of the GRR, the sponsor believes the recommended widening in this area is required for navigational safety due to surge affects and conditions due to currents and winds and therefore should be cost shared as a general navigation feature.

*Views of Federal and Regional Agencies:* Public and agency views including correspondence and informal comments received to date from coordination of the Draft GRR/EIS and public meeting on May 6, 2003, have been addressed and are included in Appendix N of the final EIS. As a result of that coordination seagrass mitigation has increased from 6.3 acres in the draft to 24 acres in the final EIS. Monitoring of those proposed seagrass rehabilitation sites has increased from three years to five years from the date the mitigation site construction is completed. Mitigation monitoring for artificial reef areas has increased from three years to five years. The monitoring will be conducted by the sponsor and will include coordination with resource agencies. Federal agencies included the U.S. Coast Guard, the Environmental Protection Agency, the U.S. Fish and Wildlife, the National Marine Fisheries Service, National Park Service—Biscayne Bay National Park.

*Status of NEPA Document:* Coordination of the draft EIS for public review occurred from March 14, 2003 through May 20, 2003 and comments provided during that review period were incorporated in the final report. Coordination of the final EIS occurred along with the proposed report of the Chief of Engineers and the report of the district engineer from 31 Aug 04 through 30 Nov 04 with receipt of the Florida Department of Environmental Protection Clearinghouse Consistency Determination.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$64,843,000
Miami-Dade County Seaport Department .....	56,284,000
Total .....	121,127,000

In addition, the Secretary is directed to determine the non-Federal share of the cost of preparing the general reevaluation report for this project based on construction cost-sharing. As a general rule, made express in section 2039 of this bill, cost-sharing for all studies should be 50%. However, in this case, the Jacksonville District made erroneous commitments to the non-Federal interest and subparagraphs (B) and (C) of section 1001(a)(11) ensure that those commitments are met. In the future, the Committee expects the Jacksonville District to apply correct cost-sharing to project studies.

*Estimated Effects:*

Account	Average annual equivalent bene- fits	Average annual costs
Economic .....	\$14,740,000	\$10,650,000

Project economic life: 50 years.

Benefit-Cost Ratio: 1.4 (Current Discount Rate: 5.375%).

*Direct Beneficiaries:* The benefits of the recommended plan are based on transportation cost reductions and reflect the economy of scale savings resulting from vessels being able to load deeper and reduce harbor transit times.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 25 Apr 2004.

(12) East St. Louis and Vicinity, Illinois.—

*Location of the Study Area:* The study area is located in Madison and St. Clair counties, Illinois, along the east bank of the Mississippi River between river miles 175 and 195 above the mouth of the Ohio River.

*Problems and Opportunities Identified in Study:* The study area consisted of approximately 166 square miles (about 105,000 acres). The area has historically experienced widespread interior flooding and the loss or serious degradation of the floodplain ecosystems. Some examples of the ecosystem degradation include: 60 to 70 percent loss of forest, over 99.9 percent loss of prairie, 65 to 85 percent loss of wetlands, 35 to 50 percent loss of lakes and ponds, and about 66 percent loss of floodplain streams (by length). This has resulted in a loss of biodiversity, fragmentation of natural systems, loss of the historic ecosystem disturbances (such as flooding and wildfire), and degradation or loss of habitat quality.

*Alternative Plans Considered:* A wide array of alternatives was considered for each of the 8 action areas. Cost-effectiveness and incremental cost analyses were performed to identify the NER plan.

*Description of the Recommended Plan:* The recommended plan is the plan that maximizes net national ecosystem restoration benefits and is an extensive restoration of the ecosystem in the vicinity of East St. Louis, Illinois, on the Mississippi River. The project provides for the restoration of approximately 4,500 acres of ecosystem habitat that will also provide temporary storage and detention areas for stormwater events that now exceed the existing capacity of the interior drainage system. The recommended plan will restore approximately 1,700 acres of bottomland forest habitat, 1,100 acres

of prairie wetland habitat, 840 acres of marsh and shrub swamp habitat, 460 acres of lake habitat, and 380 acres of riparian forest. In addition, the recommended plan also includes restoration of 10.4 miles of floodplain stream, installation of 650 wood duck boxes and 870 prairie bird perches, improvement of 20 acres of lacustrine overwintering and shoreline habitat, construction of 130 tributary sediment detention basins and riffle and pool complexes in 178 miles of streams, 15.5 miles of earthen embankments, and associated water control features (i.e., culverts, flap gates, and new channels). A very small amount of recreational features have also been added to the project. All project features are located within the State of Illinois. Because the recommended plan would not have any significant adverse effects, no mitigation measures (beyond management practices and avoidance) or compensation measures are required. The recommended plan is the national ecosystem restoration plan.

*Views of States, and Non-Federal Interests:* A strong partnership exists between state, Federal and local interests. Two counties, the Levee District and Illinois Department of Natural Resources joined in sponsorship of the general reevaluation study. Letters of Intent have been received from the two counties and the Illinois Department of Natural Resources for project sponsorship.

*Views of Federal and Regional Agencies:* The Natural Resource Conservation Service, U.S. Fish and Wildlife Service and the Environmental Protection Agency, Region 5 were active participants in the study process and strongly support the report's recommendations.

*Status of NEPA Document:* An Environmental Impact Statement was integrated into the General Reevaluation Report. A Draft Record of Decision was prepared in January 2005.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$123,807,000
Illinois Department of Natural Resources and Madison and St. Clair counties .....	67,351,000
Total .....	191,158,000

*Description of Non-Federal O&M Costs:* Operation and Maintenance by the non-Federal sponsor will include the removal of debris at all control structures and upland dry detention basins; installation of sediment panels in upland dry detention basins; periodic erosion repair; periodic inspection to maintain smooth operation of all flap gates; and the mowing and burning, as necessary, of berms and prairie areas. None of the features of the recommended plan have any manual or automated operational components.

*Estimated Effects:*

*Environmental Effects.* The recommended plan provides both feeding and resting resources for the federally-threatened bald eagle and will protect and propagate the decurrent false aster. The project contributes to the life cycle requirements of more than 50 migratory bird species covered by internal treaties and the state-threatened Illinois chorus frog. The palustrine wetland resources to be restored are considered scarce with over 85 percent of the wetlands in Illinois and other midwestern states lost since the 1780s, and the decline is continuing. The plan connects 5 habitat areas and enlarges 3 isolated habitats to improve overall resource sustainability. The project produces approximately 8,332 average an-

nual habitat units (AAHU) at a cost of approximately \$1,350 per AAHU. The recommended plan also provides incidental flood damage reduction benefits estimated at \$1,445,000 annually. Total average annual costs, including initial construction and OMRR&R, are \$11,193,000 based on an interest rate of 5.375 percent and a 50-year period of analysis. Average annual recreation benefits are estimated at \$25,000 and average annual costs are estimated at \$18,000, for a recreation benefit-to-cost ratio of 1.3 to 1.

*Direct Beneficiaries:* The recommended plan is anticipated to directly benefit the federally-threatened bald eagle and will protect and propagate the decurrent false aster. The project contributes to the life cycle requirements of more than 50 migratory bird species covered by interal treaties and the state-threatened Illinois chorus frog.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 22 December 2004.

(13) Peoria Riverfront, Illinois.—

*Location of Study Area:* The study area includes the Lower Peoria Lake area watershed on the Illinois River and tributaries between river miles 162 and 167, and in the vicinity of Peoria and East Peoria, Illinois.

*Problems and Opportunities Identified in Study:* Peoria Lake, the largest lake on the Illinois River, has lost 61 percent of its volume and related aquatic habitat since 1903 due to sedimentation. A statewide planning process determined that this loss of aquatic habitat is the greatest threat to the Illinois River ecosystem. Areas outside of the navigation channel have experienced more extreme losses of depth and volume, which have severely impacted off-channel overwintering, spawning, and nursery habitats for fish. Shallow water areas are subject to wave action that resuspends sediment, further limiting fish, aquatic vegetation, macroinvertebrate, and mussel production. Sedimentation has reduced depths in off-channel areas from 8 feet to only 1 or 2 feet in recent years. This has transformed Peoria Lake into a narrow navigation channel bordered by shallow, wind-swept areas and has adversely impacted fish and wildlife habitat and also reduced the aesthetic values and recreation opportunities. Opportunities explored included the restoration of aquatic habitat with incidental recreation benefits.

*Alternative Plans Considered:* Alternative plans included dredging various locations in Peoria Lake at various depths in order to restore aquatic habitat diversity. Connecting channels and closure structures were included to control future sediment movements. The plans included using the dredged material to construct islands to restore terrestrial habitat and aquatic habitat structure.

*Description of Recommended Plan:* The recommended plan is the plan that maximizes net national ecosystem restoration benefits and includes dredging approximately 200 acres, including connecting channels and deeper holes to create depth diversity in the aquatic habitat. The dredged material would be placed to create three islands, which in turn would add shoreline and terrestrial habitats. Rock jetties placed around the islands would further improve the aquatic habitat by providing structure and more edge areas. The islands would provide resting, nesting, and feeding areas for waterfowl and shorebirds. In addition, the islands would

reduce waves in the study area, which would further improve aquatic habitat usefulness by lowering turbidity levels.

*Physical Data on Project Features:* A 55-acre shallow, open water area upstream of the McClugage Bridge (U.S. Highways 24 and 150) would be dredged to construct an adjacent 21-acre island. A 144-acre shallow, open water area downstream of the McClugage Bridge would be dredged to construct two adjacent islands, 17 and 37 acres respectively. Each island would have an outer embankment with a top elevation of 450 feet MSL (10 feet above the normal lake elevation) and a top width of 20–275 feet. Each island center would have an approximate elevation of 448 feet MSL. The island side slopes would include a flat area 20- to 40-feet-wide at elevation 444 feet MSL.

The dredging would create a 3,650-foot-long flowing side channel between the two downstream islands and a similar channel along the upstream island. Dredging depths at both sites would vary from 6 feet to 16 feet, including holes and connecting channels. Rock riprap would be placed on the island sides facing the navigation channel side to control erosion. Rock jetties about 20-feet-long and 2-feet-high would be placed about every 250 feet around the islands to provide additional aquatic structure and edge habitat. Rock closure structures would be constructed at the upstream end of the channels to minimize sediment movements.

The plan would restore 675 average annual habitat units (AAHU's) of aquatic habitat in the dredged areas and 125 AAHU's of terrestrial and shoreline habitat on the islands.

*Views of States, and Non-Federal Interests:* All participating stakeholders fully support the recommended plan. The Illinois Department of Natural Resources (IDNR) is the non-Federal sponsor has indicated their support for the project and interest to assume cost-shared financial obligations for implementing the project. Further, the Fon du Lac Park District, East Peoria, Illinois, has agreed to allow use of its property for project implementation. The Audubon Society, The Nature Conservancy, Heartland Water Resources Council, Peoria Lakes Basin Alliance, and the Peoria Area Chamber of Commerce have provided letters of support.

*Views of Federal and Regional Agencies:* No outstanding coordination issues exist with other Federal or Regional Agencies. The U.S. Fish and Wildlife Service provided a letter of support.

*Status of NEPA Document:* A Finding of No Significant Impact for the Environmental Assessment was signed 20 December 2002.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$10,400,000
Non-Federal (IDNR) .....	5,600,000
Total .....	16,000,000

*Description of Non-Federal O&M Cost:* The non-Federal O&M costs consist primarily of future monitoring of sediment deposition and maintenance dredging if necessary at approximately year 26.

*Estimated Effects:* Beneficial effects consist of approximately 800 average annual habitat units, with no average annual adverse effects.

Project economic life: 50 years.

Benefit-Cost Ratio: N/A (Current Discount Rate: 5.875%).

*Direct Beneficiaries:* Residents of Peoria, East Peoria, Tazewell and Peoria Counties, the Illinois River valley, and the Nation will benefit from the restored habitat. Wide, aquatic and riparian ecosystems are very important vanishing resources. The functions they provide are more significant in the Illinois River valley because of their scarcity resulting from the impacts of sedimentation. The restored aquatic habitat would be especially valuable for helping to reestablish the health of the Illinois River, once a ally renowned fishery. The Illinois River valley is part of the interally significant Mississippi Flyway, a major migration route for waterfowl, shorebirds, and neotropical migrant birds. The restored shoreline and terrestrial habitats would be especially valuable as resting, nesting, and feeding areas for these migratory birds. These functions include wildlife habitat and travel corridors for terrestrial and aquatic species including endangered species, neo-tropical migratory birds, shorebirds, herons and egrets, and waterfowl.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 28 July 2003.

(14) Bayou Sorrel Lock, Louisiana.—

*Location of the Study Area:* This study focuses on the replacement of Bayou Sorrel Lock located on the Morgan City-to-Port Allen Alternate Route of the Gulf Intracoastal Waterway. Bayou Sorrel Lock is located in Iberville Parish in south central Louisiana, approximately 20 miles south of Baton Rouge, Louisiana.

*Problems and Opportunities Identified in Study:* Bayou Sorrel Lock is an integral feature of the Atchafalaya Basin, Louisiana Project feature of the Mississippi River and Tributaries project. The project flood flow line was revised because of changes and projected changes in the Atchafalaya Basin and Atchafalaya Bay. The top of wall of Bayou Sorrel Lock is 5 feet lower than the current approved project flood flow line and 8 feet below the project flood design grade. The lock is stable for its original design loading conditions and is in good operating condition; however, the structure cannot be raised to accommodate the higher flow line. The lock must be replaced or other structural measures must be implemented to pass the project flood. These measures have been authorized for construction under the authority of the Flood Control, Mississippi River and Tributaries project. There is a need to develop and implement a plan to safely pass the project flood at Bayou Sorrel Lock. There also is a need to increase the capacity of Bayou Sorrel Lock to reduce the cost to navigation caused by delays at the lock, which averaged 4.7 hours per tow in 1999 and are projected to climb to 12.7 hours by the year 2010. Although delays cannot be eliminated, they can be significantly reduced with a larger chamber.

Lockage congestion at Bayou Sorrel results from both the growth in traffic volumes and the increase in the size and configuration of the tows. The traffic congestion in Bayou Sorrel causes excessive delays and has increased lock transit time to a point where it is the highest west of the Mississippi River. Lockage delays represent a significant economic loss to the shipping industry and, ultimately, to the consumer.

The need to develop and implement a plan to safely pass the project flood at Bayou Sorrel Lock provides an opportunity to address current and projected delays to barge tows at the lock. The

portion of the cost of the construction of a new navigation lock at Bayou Sorrel that would be allocated to navigation could be decreased if the new lock also provided for the flood control objective.

*Alternative Plans Considered:*

**Flood Control Plans:** Three plans were considered for passing the Atchafalaya Basin project flood in the vicinity of Bayou Sorrel Lock; (1) an independent float-in floodgate located on the flood side of the lock, (2) a replacement-in-kind lock, that is, a lock with the same chamber dimensions as the existing Bayou Sorrel Lock, 56 feet wide by 796 feet long, and (3) flood fighting.

**Flood Control/Navigation Plans:** Alternative navigation plans include (1) the construction of a larger replacement lock at Bayou Sorrel Lock; 75 feet and 110 feet wide, (2) the replacement of bridges crossing the Atchafalaya River; and (3) small scale improvements to increase the navigation efficiency at the other locks in the GIWW system.

*Description of the Recommended Plan:* The recommended plan, which is the National Economic Development (NED) plan, provides for: construction of a new, larger lock located adjacent to the existing lock at Bayou Sorrel, construction of approach channels to the new lock, closure of the existing lock, measures to mitigate the impacts of the project on fish and wildlife resources, erosion protection, and mooring buoy facilities.

*Physical Data on Project Features:*

**New Lock.** The new lock would have a U-shaped concrete chamber, with dimensions of 75 feet by 1,200 feet. The sill depth of the lock would be at an elevation of -15 feet NGVD. Each set of lock gates would consist of two, 70-degree steel sector gate leaves, which would be electrically operated. Emptying and filling of the lock would be accomplished by the controlled opening of the gates. The guide walls, 1,200 feet long on the west side of the lock and 400 feet long on the east side, would be constructed of a high density synthetic material attached to timber piles. The gates and gate bays on the floodway side of the lock, which tie into the East Atchafalaya Basin Protection Levee, would have an elevation of 31.7 feet NGVD, and the chamber walls and landside gates and gate bays would have an elevation of 26.8 feet NGVD.

**Closure of Existing Lock.** When the new lock structure is completed and becomes operational, the existing lock would be closed by an earthen levee extending from the East Atchafalaya Basin Protection Levee south of the existing lock across the floodway side approach channel to the floodway end of the new lock. The existing lock would be abandoned in place and its approach channels and chamber would be filled with dredged material during periodic maintenance of the Morgan City-to-Port Allen Alternate Route.

**Approach Channels.** The construction of the new lock would require the construction of new approach channels on the northern, or protected, side of the lock and on the southern, or floodway side, of the lock. The Atchafalaya Basin Floodway East Access Channel, which currently joins the south approach channel of the existing lock immediately south of the lock, would be relocated west of its existing alignment and extended southward to tie into the Morgan City-to-Port Allen Alternate Route about 5,000 feet south of the new lock. During high water, cross currents from the East Access Channel cause significant problems to tows approaching the south

guide wall. Relocating the channel west and extending its junction with the new lock's south approach channel will allow barge traffic ample time to negotiate the cross currents before reaching the lock guide walls.

The northern approach channel to the new lock, on the protected side of the floodway levee, would parallel the existing northern approach channel for about 3,500 feet and then merge with the existing navigation channel.

*Erosion Protection.* Bank stabilization extending 1½ miles to the north and south of Bayou Sorrel Lock will be placed to minimize the effect on residences of marine transportation activities in the vicinity of Bayou Sorrel Lock. Hydraulic analysis required a minimum 2-foot blanket of stone from the waters edge to natural ground elevation to protect against the most severe wave damage resulting from prop-wash. Geotextile separator fabric will be placed between the existing bankline and the stone paving.

*Mooring Buoy Facility.* In connection with the erosion protection feature of the recommended plan a floating mooring buoy facility will be incorporated to provide a safe location for barges to utilize if needed when using the Lock. The locations will include 14 mooring buoys in the vicinity of the new lock and 13 mooring buoys north of the Bayou Sorrel Bridge. In order to place the 13 mooring buoys north of the Bayou Sorrel Bridge dredging will be required to provide at least 9-feet in the vicinity of the mooring buoy.

*Disposal Areas.* Material to be dredged from the new tailbay channel would be placed into two existing borrow pits. There would be impacts from the conversion of bottomland hardwood forest to open water resulting from the channel cut, but no net adverse impacts associated with the dredged material disposal. The new forebay channel would be cut through existing disposal areas and bottomland hardwood forest. Dredged material from this new channel would be placed in existing disposal areas to the west of the lock. After the new lock is operational, the East Access Channel would be relocated. Relocating this channel would also impact existing disposal areas and bottomland hardwood forest. Dredged material from this channel would be placed into the old lock's forebay and tailbay channels and the old lock chamber. Mitigation credit would come from the planting and management of disposal areas. The area between the new forebay channel and the relocated East Access Channel would become an uneconomic remnant of real estate to be acquired in fee by the Government. This area would be planted and managed as a hardwood forest. Mitigation credit would also come from eliminating the need for dredged material disposal in the Atchafalaya Basin. In the absence of a new Federal project, cypress swamp and bottomland hardwood would continue to be converted to disposal areas. With the project, existing channels would be used for disposal of material dredged during routine maintenance, for up to 35 years after project completion. These disposal areas would be planted and managed as hardwood forest when they are filled to capacity.

*Mitigation Features.* The recommended plan was developed with the objective of avoiding and minimizing adverse impacts to fish and wildlife habitats and compensating for remaining adverse impacts. Most of the impacts of the project could result from dredging of the connecting channels, relocating the East Access Channel,

and dredged material disposal. A primary focus of mitigation planning was to minimize adverse impacts to cypress swamp and bottomland hardwood forest within the Atchafalaya Basin. The habitat assessment models do not adequately capture the environmental effects of the conversion of wet, bottomland hardwood forest to more upland-type habitat that does not get periodically flooded. Also, the habitat assessment models cannot adequately capture the effect that dredged material disposal areas have on nearby cypress swamps by blocking-off headwater flows. In order to mitigate for these two effects, additional mitigation is planned. A new ditch would be constructed through existing dredged material disposal sites to connect the East Access Channel with the swamp to the west of the disposal sites. A sediment trap would also be built on an existing ditch located along the northern boundary of existing disposal sites. These features would be built during project construction and would serve two purposes—mitigation and environmental restoration. The costs associated with planting and reforestation are those costs necessary for preparing the mitigation areas for planting, reducing competing vegetation, replanting as necessary to replace dead seedlings, and monitoring the mitigation sites.

*Views of the Federal and Regional Agencies:* The U.S. Fish and Wildlife Service do not oppose the recommended plan. The Environmental Protection Agency gave the EIS its highest rating of “LO”, or Lack of Objection. The Louisiana Department of Transportation has responded by letter in support of the feasibility report.

*Status of NEPA Document:* An EIS has been prepared for the project. The draft EIS was filed with the Environmental Protection Agency (EPA) on 15 November 2002, and the final EIS was filed with the EPA on 23 July 2004.

*Estimated Implementation Costs:* The total estimated cost of implementing the recommended plan is \$97,500,000. The only new costs authorized by this bill to carry out this project are the \$9,000,000 allocated to navigation improvements needed to reduce delays. The costs of construction of the inland navigation improvements of the project are to be paid half from amounts appropriated from the general fund of the Treasury and half from amounts appropriated from the Inland Waterways Trust Fund. The remainder of the proposed modification of the Bayou Sorrel Lock project allocated to safely pass the project flood in the Atchafalaya Basin Floodway is a feature of the authorized Flood Control, Mississippi River and Tributaries project, and as such, no additional authority is required.

*Description of O&M costs:* The Corps would assume operation of the lock as part of the Federal operation and maintenance of the Gulf Intracoastal Waterway.

*Estimated effects of navigation feature:*

Total Average Annual Benefits .....	\$16,586,115
Total Average Annual Cost .....	863,784
Average Annual Net Benefits .....	15,722,331

Benefit-Cost Ratio: 19.2: 1.

*Direct Beneficiaries:* Residents of the Bayou Sorrel community and the Inland Waterway users.

*Relationship to Other Plans:* Bayou Sorrel Lock is an integral feature of the Atchafalaya Basin, Louisiana Project feature of the

Mississippi River and Tributaries project. The lock must be replaced or other structural measures must be implemented to pass the project flood. These measures have been authorized for construction under the Flood Control, Mississippi River and Tributaries project. The need to develop and implement a plan to safely pass the project flood provides an opportunity to address current and projected delays to barge tows at the lock.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 3 January 2005.

(15) Morganza to the Gulf of Mexico, Louisiana.—

*Location of the Study Area:* The study area is located in south Louisiana between the Mississippi and Atchafalaya rivers. Bayou Lafourche forms the eastern study boundary and Bayou du Large and Louisiana Highway 311 form the western boundary. The eastern and western boundaries form the apex of a triangle at Thibodaux, Louisiana. The southern boundary is the Gulf of Mexico.

*Problems and Opportunities Identified in Study:* Hurricanes and tropical storms cause widespread flooding of residential and commercial property in the study area. Residential communities, commercial and agricultural developments, and industries in the study area are generally located along alluvial ridges at elevations ranging from 4 or 5 feet to less than 1 foot above sea level. The Terrebonne Levee and Conservation District maintains about 20 miles of forced drainage levees in various communities, including flood control structures and drainage pumping stations. The existing levees have a maximum elevation of 7 feet above sea level and protect against weak tidal and rainfall events, but not hurricanes. The three most recent flooding events (Isidore and Lili in 2002, and Bill in 2003) have been from the southeast, confirming the study findings that prevailing flood events are from that direction causing extensive damage (in excess of \$170,000,000) in Terrebonne and Lafourche parishes.

The Morganza to the Gulf project will protect a population of over 120,000 and safeguard an area of 1700 square miles containing residential, commercial and industrial property, and unique Louisiana coastal area. Opportunities to be realized from a completed project also include enhancement of the environmental habitat, navigation industry, commercial and recreational fishing, salinity intrusion, and fresh water and sediment diversion, as well as coastal preservation and restoration.

*Alternative Plans Considered:* Eight alternative plans were evaluated. A preliminary screening focused detailed efforts on the plans that provided the most benefit. Two structural alternatives and various non-structural alternatives were evaluated in detail. The structural alternatives, known as the Reconnaissance and the Highway 57 Alignments, involved raising existing levees and constructing new levees to provide reliable protection against 50-, 85-, 100- and 500-year flood frequency events. The structural plans included earthen levees, sector-gated floodgate structures, and environmental water control structures to maintain tidal ebb and flow. The non-structural plans involved relocating, purchasing and elevating structures.

*Description of the Selected Plan:* The recommended plan, known as the Highway 57 Alignment, is the National Economic Develop-

ment (NED) plan. It consists of the construction of approximately 72 miles of levee south of Houma, Louisiana, varying in elevation from +15.0 ft NGVD to +9.0 ft. NGVD. Also required for flood protection is the construction of nine 56-foot wide sector gate structures in various waterways and three 125-foot floodgates in the GIWW. Another significant feature of the plan is the 110-ft wide x 800-ft multipurpose lock structure and an abutting floodgate for the Houma Navigation Canal. Two existing 56-foot wide floodgates would require removal and replacement: one at Bayou Terrebonne and one at the Humble Canal. At twelve locations along the levee alignment, a series of 6-foot by 6-foot concrete box culverts will be constructed through the earthen levees to maintain tidal ebb and flow. Six existing pump stations would be modified during construction. Construction would require 1,265 acres of perpetual levee right-of-way, 1,415 acres of borrow area, 433 acres of temporary construction easement and 289 acres of fee-owned land for all flood control structures, including the lock. At twelve locations along the levee alignment, a series of 6-foot by 6-foot concrete box culverts will be constructed through the earthen levees to maintain tidal ebb and flow. Several plans were generated as possible mitigation alternatives by the Habitat Evaluation Team, a team composed of Federal, state and local environmental commenting agencies. Alternatives were generated for fresh marsh and brackish marsh. The focus of the plans was to restore marsh to offset direct impacts rather than rely on possible future marsh improvement by manipulating hydrology.

*Views of States, and Non-Federal Interests:* The Louisiana Department of Transportation and Development (lead sponsor), Terrebonne Parish, City of Houma, Terrebonne Levee and Conservation District, and Congressional representatives strongly support the project. The sponsor has indicated a strong desire to cost-share in the design and construction of this project.

*Views of Federal and Regional Agencies:* No outstanding coordination issues exist with other Federal or Regional Agencies. None of the agencies objected to the project. The project will mitigate for all direct adverse impacts resulting from construction.

*Status of NEPA Document:* The Final Programmatic EIS (PEIS) and Feasibility Report was filed with the EPA on 26 April 2002.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$512,200,000
Non-Federal .....	275,800,000
Total .....	788,000,000

*Description of Non-Federal Implementation Costs:* The sponsor would be responsible for acquiring all necessary lands, easements, rights-of-way, relocations and disposal sites for the project (LERRD's) worth an estimated \$49,241,000. The sponsor would also provide work-in-kind and cash worth \$209,759,000. The Terrebonne Levee and Conservation District is seeking credit for in-kind services for design and construction of various features of the proposed project. This request was addressed in the supplemental report of the Chief of Engineers dated July 22, 2003, and is authorized by this section. The credit request does not affect the project costs.

*Description of Non-Federal O&M Costs:* This cost covers the general operation and maintenance of floodgate structures, the lock to be located in the Houma Navigation Canal, environmental water control structures and levees including levee inspections, mowing and erosion control.

*Estimated Effects:*

[In thousands of dollars]

Account	Average annual equivalent beneficial effects	Average annual adverse effects
Purposes:		
NED Hurricane Protection .....	\$80,772	N/A
Total .....	80,772	N/A

Project economic life: 50 years.

Benefit-Cost Ratio: 1.72 (Discount Rate: 5.875%).

*Direct Beneficiaries:* This project will directly benefit the residents and businesses of Terrebonne and Lafourche Parishes, and help preserve the Louisiana coastal ecosystem.

*Relationship to Other Plans:* This plan is consistent with the Coastal Wetlands Planning, Protection and Restoration Act program, the Lower Atchafalaya Basin project, Donaldsonville to the Gulf project, and the Louisiana Coastal Area Study to include all contained projects within the study.

*Current Status of Chief of Engineers Report:* Signed 23 August 2002; and a supplemental Chief of Engineers Report addressing the sponsor's request for credit for in-kind services was signed July 22, 2003.

(16) Swope Park Industrial Area, Missouri.—

*Location of Study Area:* The Swope Park Industrial area is near the intersection of 75th Terrace and Manchester Trafficway in southeastern Kansas City, Jackson County, Missouri. The upstream study boundary is at river mile 18.84 from the mouth of the Blue River and the downstream boundary is at river mile 18.25.

*Problems and Opportunities Identified in Study:* The 50-acre industrial park was built in the early 1960s and is within an area with a 1 percent chance of flooding each year. Of the 10 structures in the park, 6 are within the regulated floodway boundary. Study objectives included investigating the feasibility of developing an environmentally, socially, and technically acceptable project to reduce recurring flood damages in the Swope Park area. The project area also presents an opportunity to contribute to Jackson County's Blue River Parkway by allowing the establishment of additional riparian habitat in conjunction with the flood control project.

*Alternative Plans Considered:* The initial screening of potential solutions included evaluation of flood insurance/floodplain regulation, flood warning systems and temporary evacuation, floodproofing of the structures, permanent evacuation/buy-out of the area, upstream detention dams, levees, floodwalls, channel modification and no Federal action.

*Description of Recommended Plan:* The report recommends a levee and a floodwall system estimated to be 90 percent reliable in protecting the area from a flood which has a 1-percent chance of occurring in any year. The proposed project is also estimated to be

64-percent reliable in protecting against a flood with 0.2-percent chance of occurrence in any year. The recommended plan, which is the National Economic Development (NED) plan, accommodates the sponsor's newly developed access plan which changes the primary Industrial Area access to the south end. The recommended plan incorporates a floodwall and levee on an alignment that protects the industrial park and revised access corridor and then ties to high ground. The alignment also encloses and borders the interior drainage pond at the east end of the site. The project area also presents an opportunity to contribute to Jackson County's Blue River Parkway by allowing restoration of currently degraded riparian habitat and establishment of additional riparian habitat in conjunction with the flood control project. The plan would reduce flood damage costs, reduce the threat to loss of life, reduce health and safety services disruptions, and preserve the environmental resources of the area.

*Physical Data on Project Features:* The reporting officers recommend construction of a combined floodwall and levee on an alignment that protects the Swope Industrial Park and access corridor, then ties in to high ground. The recommended plan consists of 1,215 meters of reinforced concrete floodwall and 869 meters of compacted earthen levee for a combined project length of 2,084 meters. The alignment encloses and borders an interior drainage pond at the east end of the site and protects the sponsor's newly developed access plan which changes the primary access from the northwest to the southwest side. Interior drainage to the ponding area would pass through a total of 1,100 meters of reinforced concrete pipe ranging in diameter from 30 to 135 centimeters. A rolling-gate closure would be constructed at the existing 75th Street entrance. Environmental design features include selected riparian and woodland tree plantings on 5.3 hectares and creation of a small wetland.

*Views of State, and Non-Federal Interests:* The Draft Feasibility Report and Environmental Assessment (EA) was distributed for a 30-day public review from August 6, 2002, until 9 September 2002. During a public meeting in Kansas City, Missouri, on 22 August 2002, all public and local entities expressed strong support. Extensive coordination was conducted with all known local, regional, and State stakeholders.

*Views of Federal and Regional Agencies:* Coordination with Federal agencies included U.S. EPA Region VII and the U.S. Fish and Wildlife Service. No negative comments or concerns were expressed during the agency review process.

*Status of NEPA Document:* The Kansas City District Engineer signed a Finding of No Significant Impact on 10 January 2003.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$10,194,000
Non-Federal .....	5,489,000
Total .....	15,683,000

*Description of Non-Federal O&M Costs:* The non-Federal sponsor will be responsible for periodic maintenance of structures and debris removal after flood events, mowing and occasional landscaping, repair of the floodwall and earthen levee, and testing and servicing of gated structures and the rolling gate.

*Estimated Effects:* (October 2002 price level)

Account	Average annual equivalent bene- ficial effects	Average annual adverse effects
NED Flood Damage Reduction .....	\$1,402,000	\$922,000
Total .....	1,402,000	922,000

Project economic life: 50 years.

Benefit-cost ratio: 1.5 (current discount rate = 5.375 percent).

*Direct Beneficiaries:* The direct beneficiaries of the plan are the approximately 9 business enterprises and their employees in approximately 400 jobs who would receive improved economic viability and increased safety and stability of employment with a reduced threat of flooding.

*Current Status of Chief Engineers Report:* A final Chief's report was signed on 30 December 2003.

(17) Manasquan to Barnegat Inlets, New Jersey.—

*Location of Study Area:* The study area is located in Ocean County, New Jersey, and extends approximately 24 miles from Manasquan Inlet south to Barnegat Inlet.

*Problems and Opportunities Identified in the Study:* The principal cause of economic damages along the Atlantic Coast of New Jersey is storms. Storm damage includes wave attack, inundation and storm-induced erosion. Major storms have occurred in September 1944, March 1962, March 1984, September 1985, October 1991, December 1992, and March 1993. The 1962 Northeaster caused damage estimated at \$43,400,000 (1996 dollars) in the study area.

Storm activity during the 1970's and 1980's was relatively low and coastal development during this period accelerated. This has increased the potential for storm damages exceeding the 1962 storm despite progress made in some areas to minimize losses associated with storm damage. Such advances include structural and building code improvements. However, many portions of the developed coast remain vulnerable due to the proximity of structures to the beach. The December 1992 storm caused extensive beach and dune erosion within the study area, and damages estimated at approximately \$10,000,000 according to records provided by the Federal Insurance Administration.

*Alternative Plans Considered:* Both non-structural and structural alternatives were considered, including permanent evacuation from areas subject to storm damage, regulation of future development, berm restoration, dune restoration, berm and dune restoration with groin field, berm and dune restoration with offshore detached breakwater, berm and dune restoration with submerged reef, berm and dune restoration with perched beach, berm and dune restoration with geotextile tube core, seawall/bulkhead, offshore submerged feeder berm, and beach dewatering.

*Description of Recommended Plan:* The recommended plan is the National Economic Development plan and consists of a berm and dune utilizing sand obtained from offshore borrow sources. In all areas except northern Point Pleasant Beach and Seaside Heights, the dune crest will have an elevation of +22 ft NAVD, and the berm will extend 75 ft from the seaward toe of the dune at an elevation of +8.5 ft NAVD. In northern Point Pleasant Beach and Seaside Heights the dune will have an elevation of +18 ft NAVD and

the berm will extend 100 ft from the seaward toe of the dune at an elevation of +8.5 ft NAVD at Seaside Heights and +11.5 ft NAVD at northern Point Pleasant Beach. In all areas, the berm will slope at 1 V: 10 H from the berm crest down to approximately Mean High Water (MHW) at elevation +1.5 ft NAVD. Below MHW, the design template parallels the existing profile slope to the depth of closure.

The plan extends from the Manasquan Inlet south jetty in Point Pleasant Beach southward to the northern boundary of Island Beach State Park in Berkeley Township for a total length of approximately 14 miles. Initial sand quantity is estimated at 10,689,000 cu yards. Periodic nourishment estimated at 961,000 cubic yards is scheduled to occur every 4 years.

*Physical Data on Protect Features:* see following table.

DESCRIPTION OF THE SELECTED PLAN

Design component	Dimension/quantity	Remarks
Berm Elevation .....	+8.5 ft NAVD ..... +11.5 ft NAVD at northern Point Pleasant Beach	Same as average existing condition.
Berm Width .....	75 ft ..... 100 ft at Seaside Heights and northern Point Pleasant Beach	Berm width measured from seaward base of dune to berm crest.
Seaward Berm Slope .....	1:10 .....	Same as average existing condition.
Dune Elevation .....	+22 ft NAVD ..... +18 ft NAVD at Seaside Heights and northern Point Pleasant Beach.	
Dune Width at Crest .....	25 ft .....	Standard Caldwell section.
Dune Side Slopes .....	1:5 .....	Standard Caldwell section.
Dune Offset for Maintenance of Existing Structures .....	20 ft (as required) .....	Required dune offsets are reflected in selected plan layout.
Length of Fill .....	13.7 miles.	
Initial Sand Quantity .....	10,689,000 cu yds .....	Includes advanced nourishment with overfill.
Periodic Nourishment Quantity .....	961,000 cu yds/4 year cycle .....	Includes overfill.
Major Replacement Quantity .....	1,788,000 cu yds .....	Includes periodic nourishment with overfill; same dune grass and sand fence quantities as initial fill.
Taper Section .....	Tapers to existing within project reach at southern end; no taper at northern end.	Manasquan Inlet south jetty functions as terminal structure at northern end.
Borrow Source Location .....	Area A—approximately 2 miles offshore of Island Beach State Park;. Area B—approximately 2 miles offshore of Mantoloking	Overfill factor of 1.5 for borrow material.
Dune Grass .....	175 acres .....	18" spacing.
Sand Fence .....	206,000 feet .....	Along base of dune and at crossovers.
Outfall Extensions .....	None.	
Pedestrian Dune Crossovers .....	247 .....	Includes handicap access ramps.
Vehicle Dune Crossovers .....	11.	

*Views of States, and Non-Federal Interests:* The New Jersey Department of Environmental Protection (NJDEP) is the non-Federal sponsor. NJDEP has indicated interest in entering into a partnership with the Corps of Engineers to provide storm damage reduction to the study area.

*Views of Federal and Regional Agencies:* No objections to project.

*Status of NEPA Document:* EIS finalized September 2001.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$42,800,000
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New Jersey Department of Environmental Protection .....	23,000,000
Total .....	65,800,000

In addition, 50 years of periodic nourishment will cost \$108,000,000, approximately \$2,160,000 a year, cost-shared 50% by the Corps of Engineers and 50% by the non-Federal sponsor.

*Description of Non-Federal O&M Costs:* The annual operation and maintenance of the project includes maintaining of the dunes (including sand fence and dune grass), pedestrian accesses, and beach shaping. The beach will be maintained by shaping the sand with heavy equipment to help ensure the presence of the design template. Dune walkovers for beach access will be the responsibility of the Non-Federal sponsor.

*Estimated Effects:*

Discount Rate .....	7.0%
Period of Economic Analysis .....	50 years
Price Level .....	September 2000
Base Year .....	2006
Average Annual Benefits	
Storm Damage Reduction .....	\$8,294,000
Local Costs Foregone .....	865,000
Recreation .....	2,011,000
Total Average Annual Benefits .....	11,170,000
Average Annual Costs	
Initial Construction (includes \$76,000 in monitoring costs) .....	4,260,000
Periodic Nourishment (includes \$264,000 in monitoring costs) .....	1,795,000
Subtotal Average Annual Cost (includes \$340,000 in monitoring costs) .....	6,055,000
Interest During Construction (IDC) .....	195,000
Operations and Maintenance (OMRR&R) .....	100,000
Total Average Annual Cost .....	6,350,000
Net Benefits .....	4,820,000
Benefit to Cost Ratio (BCR) .....	1.8

*Direct Beneficiaries:* The direct beneficiaries of the proposed hurricane and storm damage reduction project are the municipalities of Point Pleasant Beach, Bay Head, Mantoloking, Brick Township, Dover Township, Lavallette, Seaside Heights, Seaside Park, and Berkeley Township.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 30 December 2003.

(18) South River, New Jersey.—

*Location of Study Area:* The South River watershed is located within the lower Raritan River Basin in Middlesex County, New Jersey. The South River is the first major tributary of the Raritan River, located approximately 8.3 miles upstream of the Raritan River's mouth at Raritan Bay. The South River is formed by the confluence of the Matchaponix and Manalapan Brooks, just above Duhernal Lake, and flows northward from Duhernal Lake a distance of approximately 7 miles, at which point it splits into two branches, the Old South River and the Washington Canal. Both branches flow northward into the Raritan River. The study investigates flooding and ecosystem degradation problems facing the communities of South River, Sayreville, and East Brunswick, New Jersey.

*Problems and Opportunities Identified in the Study:* Periodic hurricanes and storms have caused severe flooding along the South

River. Flood damages downstream of Duhernal Lake are primarily due to storm surges with additional damages associated with basin runoff. The communities repeatedly affected by storm surges are the Boroughs of South River and Sayreville, the Township of Old Bridge, and the Historic Village of Old Bridge in East Brunswick Township. There are approximately 1,247 structures (1,082 residential; 165 commercial) in the 100-year floodplains of these communities and 1,597 structures in the 500-year floodplains (1,399 residential; 198 commercial). Storm surges create the greatest damages in the study area occurring during hurricanes and northeasters that generate sustained onshore winds through multiple tidal cycles. For example, the northeaster of March 1993 (a 25-year event) resulted in approximately \$17 million damage (2001 dollars) and closed the highway bridge connecting the Boroughs of South River and Sayreville.

The area under consideration for ecosystem restoration encompasses 1,278 acres along the Old South River and the Washington Canal and includes the 380-acre Clancy Island bounded by these waterways and by the Raritan River. Wetland plant communities account for 786 acres (61 percent) of the study area land cover. Uplands account for the remaining 492 acres, of which 234 acres are occupied by residential, commercial, and industrial development. These wetlands and uplands are ecologically degraded. Approximately 527 acres (41 percent of the study area) are dominated by monotypic stands of common reed (*Phragmites australis*). Other wetland communities are scattered around the site in a patchwork of fragmented parcels. The uplands are dominated by low quality scrub-shrub land cover. The current degraded ecological conditions appear to be the result of (1) construction and maintenance dredging associated with the Federal navigation channels in the South River, Washington Canal, and Raritan River, and (2) clay excavation and industrial activity associated with the defunct Sayreville brick industry.

*Alternative Plans Considered:* In addition to the No Action Plan, numerous structural and non-structural alternatives were considered to reduce damages associated with hurricanes and storm surges. These include: a storm surge barrier/gate at the confluences of the South River and Washington Canal with the Raritan River; multiple levee and floodwall configurations; stream modification; detention basin; acquisition of flood-prone properties; floodplain zoning; flood proofing; and a flood warning system.

Ecosystem restoration alternatives included the following: control of *Phragmites*, an invasive weed; restoration of salt marsh habitat; restoration of tidal creeks and permanently flooded ponds; restoration of intertidal mudflats; and restoration of wetland forest/scrub-shrub habitat.

*Description of Recommended Plan:* Economic analysis of the hurricane and storm damage reduction plans indicated that the levee/floodwall system with upstream storm surge barrier would result in the greatest net benefits. Subsequent optimization of this plan determined that a 500-year level of protection would provide the greatest net benefits. Consequently, the levee/floodwall system with upstream storm surge barrier providing a 500-year level of protection was designated the National Economic Development (NED) plan and selected as the recommended plan. Using a combination

of levees, floodwalls, and a storm surge barrier, structural protection will extend to an elevation of +21.5 feet NGVD. The levees will extend 10,712 feet in length, and the floodwalls will extend 1,655 feet in length. The storm surge barrier will span the South River for a length of 320 feet and will have a clear opening of 80 feet. Interior drainage features will also be provided.

Implementation of the recommended hurricane and storm damage reduction plan will result in some unavoidable impacts to the natural resources in the South River study area. To offset these impacts, mitigation will be provided. Based on an analysis of the acreages, costs, benefits, and incremental cost/output for each of the mitigation alternative plans developed, the selected mitigation plan will entail the conversion of 11.1 acres of degraded wetland *Phragmites* and disturbed habitat to a combination of wetland scrub-shrub (7.8 acres) and salt marsh (3.3 acres).

The National Ecosystem Restoration (NER) plan will restore 100 percent of the 379 acres of degraded wetlands in the potential restoration areas. The NER plan will restore the following habitats: low emergent marsh (151 acres: 40 percent), wetland forest/scrub-shrub (170 acres: 45 percent; plus an additional 19 acres, or 5 percent, as upland forest/scrub-shrub), mudflat (19 acres: 5 percent), and open water (19 acres: 5 percent).

*Physical Data on Project Features:*

Level of Protection (storm with probability of 0.002 (500-year event) exceedence).	
Levee/Floodwall:	
Levee Length .....	10,712 feet.
Floodwall Length .....	1,655 feet.
Top Elevation .....	21.5 feet NGVD.
Levee Crest Width .....	10 feet.
Levee Slopes .....	2.3:1.
Fill Volume .....	304,400 cubic yards.
River Segment:	
Storm Surge Barrier Length .....	320 feet.
Clear Opening .....	80 feet.
Top Elevation .....	21.5 feet NGVD.
Interior Drainage .....	Gravity outlets and pump stations.

*Views of States, and Non-Federal Interests:* The New Jersey Department of Environmental Protection (NJDEP) is the non-Federal sponsor. It responded by letter dated 7 March 2003 in which it confirmed a common goal to maximize reduction of flood damages while protecting and restoring the environment in a cost effective manner and provided a list of activities to be accomplished during the Pre-construction Engineering and Design phase.

*Views of Federal and Regional Agencies:* The Environmental Protection Agency (EPA), Region 3, responded by letter dated 28 January 2003 which expressed concerns about the project's air quality and wetland impacts and recommended that the Record of Decision for the project commit to preparing a subsequent NEPA document which would include the projects General Conformity Determination and increased details about the wetlands mitigation and restoration plans. The U.S. Department of the Interior (DOI), Office of the Secretary, responded by letter dated 4 March 2003 stating DOI had no comments to offer and did not object to the proposed project. The Department of Commerce and Federal Emergency Management Agency, responded by e-mail on 25 March 2003 and 26 March 2003, respectively, that each had no comments to offer.

*Status of NEPA Document:* The Integrated Feasibility Report/Environmental Impact Statement (IFR/EIS) was finalized September 2002.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$73,205,000
New Jersey Department of Environmental Protection .....	39,418,000
Total .....	112,623,000

*Description of Non-Federal O&M Costs:* Maintenance and operation of the project is the responsibility of the non-Federal sponsor and will be conducted as follows:

Hurricane and Storm Damage Reduction:

- Levees and floodwalls require maintenance to assure continued required performance levels such as vegetation maintenance, control of earthen settlements and sloughs, piping, animal borrows, repair of damaged wall joints and wall caps and maintenance of drainage ditching adjacent to levees and walls by removing debris.
- Maintenance of all drainage structure chambers and flap and sluice gates, including cleanout, concrete repair, pipe repair, gate performance with required repair maintenance and operation and replacement (every 25 years).
- Pump stations require trash removal, cleanout, testing of pumping systems 4 times/year, repair and replacement (every 20 years) of pumps and controls, gate repair and replacement (every 25 years).
- Closure gate (interior drainage)—operation and maintenance includes pertinent lubrication, testing, periodic painting and replacement of gates and seals and concrete repair.
- Sector gate requires testing 4 times per year plus use during storm occurrences, repair of electrical/mechanical systems including gate members and gate and equipment replacement (approximately 25 years).

*Ecosystem Restoration:*

- Maintain tidal flushing of creeks and ponds.
- Preventing encroachment of invasive species (*Phragmites*).

*Estimated Effects:*

BENEFIT-COST SUMMARY FOR SELECTED PLAN

Discount rate .....	5.375%.
Period of economic analysis .....	50 years.
Price level .....	October 2004.
Base year .....	2010.

AVERAGE ANNUAL BENEFITS

Storm Damage Reduction .....	\$10,260,800.
Ecosystem Restoration .....	*334.9 AAHU's.

\*AAHU's = Average Annual Habitat Units.

AVERAGE ANNUAL COSTS

Storm Damage Reduction:	
Initial Construction .....	\$3,478,600
Interest During Construction .....	440,200
Operation and Maintenance (OMRR&R) .....	244,200
Total Average Annual Costs .....	4,163,000

## AVERAGE ANNUAL COSTS—Continued

Net Benefits .....	6,097,800
Benefit to Cost Ratio (BCR) .....	2.5
Ecosystem Restoration:	
Initial Construction .....	3,051,300
Interest During Construction .....	377,500
Operation and Maintenance (OMRR&R) .....	88,900
Total Average Annual Costs .....	3,517,700
Benefits .....	<sup>1</sup> 334.9
Hurricane and Storm Damage Reduction and Ecosystem Restoration:	
Initial Construction .....	6,529,900
Interest During Construction .....	817,700
Operation and Maintenance (OMRR&R) .....	333,100
Total Average Annual Costs .....	7,680,700

<sup>1</sup> AAHJ's.

*Direct Beneficiaries:* The direct beneficiaries of the proposed hurricane and storm damage reduction and ecosystem restoration project at the study area would be the communities of the Boroughs of South River and Sayreville, the Township of Old Bridge, and the Historic Village of Old Bridge in East Brunswick Township.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 22 July 2003.

(19) Southwest Valley, Albuquerque, New Mexico.—

*Location of the Study Area:* The study area covers approximately 180-square miles encompassing the Southwest Valley and its contributing mesa areas of Bernalillo County and portions of Albuquerque, New Mexico. The study area is located west of the Rio Grande and comprises three physiographic regions: the relatively flat West Mesa, the steeply sloping "ceja" or mesa edge, and the very flat valley proper. The West Mesa drains into Westgate Dam or Cedar Wash. The ceja drains into the five other dams owned by the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) or directly onto the valley. Elevations range from 6,000 feet on the West Mesa to 4,870 feet at the Rio Grande. The study area encompasses 177.7 square miles, including 23.5 square miles of valley area and 154.2 square miles of West Mesa and ceja area. Six detention dams constructed by AMAFCA control 41.4 square miles of the West Mesa drainage area. Another 17.4 square miles of mesa area that contributes to valley flooding is uncontrolled. The 95.4 square mile Cedar Wash drainage area discharges at the extreme southern end of the Southwest Valley.

*Problems and Opportunities Identified in Study:* Portions of the Southwest Valley are subject to flooding from a variety of sources. The runoff from the West Mesa is largely controlled by a series of dams, detention basins, and diversion channels constructed by AMAFCA, Bernalillo County, and the City of Albuquerque. Most of these facilities release controlled discharges directly or indirectly into Middle Rio Grande Conservancy District (MRGCD) agricultural drainage facilities. Flood damages occur when large floods overwhelm the capacity of these facilities, or the capacity of the MRGCD drains or canals is exceeded. Some portions of the West Mesa are directly tributary to the valley. The runoff consists of high peak and low volume discharges that, due to the steep slopes,

typically transport large quantities of sediment. Runoff from the valley floor also causes flooding. A series of irrigation canals, laterals, acequias, and drains traverse the valley; most of which have embankments from one to three feet high. These embankments and raised roadways divide the valley into many small subareas. Some subareas discharge into the MRGCD agricultural drains where confining embankments are low or do not exist. Others discharge into adjacent subareas or pond on-site, inundating residential, commercial, or agricultural land. The depth of the 1-percent chance event flood in irrigated fields is often less than the depth of water that accumulates during routine flood irrigation. The flows from subareas that discharge into irrigation drains combine with the runoff from the mesa, groundwater, and agricultural return water to exceed the capacity of the drains, inundating adjacent lands. The valley is also subject to flooding from the Rio Grande. The Albuquerque west levee, a major flood control structure, constructed by the Corps of Engineers in 1958, protects the northern half of the Southwest Valley and has a design discharge of 42,000 cfs.

*Alternative Plans Considered:* Various flood damage reduction alternatives were developed in cooperation with the non-Federal sponsor and evaluated relative to their effectiveness, acceptability, completeness, and incremental economic efficiency. Alternatives were formulated to capture West Mesa flood flow utilizing existing Middle Rio Grande Project Features surface drainage facilities. Alternatives were formulated and sized to safely convey the 1%, 4%, 10%, and 20% chance flood events.

*Description of the Recommended Plan:* Alternative 3 (10% plan) is the National Economic Development plan and is recommended. This plan would use existing Middle Rio Grande Conservancy District (MRGCD) surface drain facilities to capture flood flow from the West Mesa. The main features of the proposed work involve using existing easements, widening existing drains, constructing a large storm water detention ponding area, and constructing two new channels.

*Physical Data on Project Features:* The recommended plan has the following features:

Enlarging the following MRGCD drains:

- 22,700-feet of the Isleta Drain beginning near Bridge Boulevard and continuing 4,200 feet south of Rio Bravo Boulevard;
- 8,100 feet of the Armijo Drain from Robertson Road to its intersection with the Isleta Drain just north of Rio Bravo Boulevard; and
- 4,600 feet of the Los Padillas Drain from the southern boundary of Anderson Farms to its intersection with a newly constructed flood-flow channel.

Rehabilitating and/or enlarging existing road-crossings to facilitate the proposed improvements and additions to the drainage system. This alternative includes overflow spill collection from the Arenal Canal with conveyance to the Isleta Drain.

Constructing a 25-acre detention pond (Pond 187) in an existing agricultural field situated east of the Isleta Drain to detain a portion of flood-flow during large storms. Proposed capacity of this pond for alternative 3 is 325 Acre Feet.

Constructing a 4,300-foot-long by 120-foot-wide earthen channel along the southern property boundary of Anderson Farms below Rio Bravo Boulevard to connect the existing Isleta Drain to the existing Los Padillas Drain. New 15-foot-wide access roads would be placed on each side of the new channel.

Constructing a new 3,800-foot-long by 45-foot-wide (top width) concrete-lined channel (near Metzgar Road) from the Los Padillas Drain to the Rio Grande levee. Flood Gates would be built at the Rio Grande Levee. An engineered outfall would continue from the levee for approximately 700 feet through the floodplain to the Rio Grande. This work would occur entirely within an existing power line easement. New 15-foot wide access roads would run along each side of this channel.

*Views of States, and Non-Federal Interests:* The State of New Mexico responded verbally with no comment. There were no additional comments.

*Views of Federal and Regional Agencies:* Correspondence was received in response to the 30-day comment period for State and agencies. The U.S. Department of Interior's response stated that the sponsors will be required to apply for Bureau of Reclamation's Discharge Urban Storm Water Drainage Permit into existing Reclamation Delivery and Drainage Facilities, but they did not object to the project. The Fish and Wildlife Service provided recommendations to ensure that impacts are minimized during the implementation phase of the project. The Environmental Protection Agency and Federal Emergency Management Agency responded verbally with no comment.

*Status of NEPA Document:* An Environmental Assessment (EA) was completed for the project. The Finding of No Significant Impact was signed on 20 April 2004.

Corps of Engineers .....	\$12,671,000
Albuquerque Metropolitan Arroyo Flood Control Authority and Bernalillo County .....	6,823,000
Total .....	19,494,000

*Description of Non-Federal O&M Costs:* The Albuquerque Metropolitan Arroyo Flood Control Authority and Bernalillo County will assume responsibility for the operation and maintenance of facilities constructed by this project. An operation and maintenance agreement between the two organizations will designate the responsibilities.

*Estimated Effects:*

Average annual benefits: \$1,697,200.

Benefit to cost ratio: 1.4.

Discount Rate: 5<sup>5</sup>/<sub>8</sub> percent, 50-year planning period.

*Direct Beneficiaries:* Residents and businesses located with the southwest valley of Albuquerque and Bernalillo County.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 29 November 2004.

(20) Corpus Christi Ship Channel, Corpus Christi, Texas.—

*Location of Study Area:* The Corpus Christi Ship Channel (CCSC) provides deep-water access from the Gulf of Mexico to the Port of Corpus Christi, via Aransas Pass, through Redfish Bay and Corpus Christi Bay. Access points include the La Quinta Channel, the Gulf Intracoastal Waterway (GIWW), and the Rincon Canal.

*Problems and Opportunities Identified in Study:* The CCSC was the first waterway in Texas to be completed to a depth of 45 feet. This channel ranks fifth in the for tonnage shipped on deep-draft vessels, and in Texas only the Houston Ship Channel handles more tonnage. Since the completion of the 45-foot project, the size of ships using the waterway has steadily increased so that many vessels currently have to be light-loaded to traverse the waterway. The current channel depth also requires that large crude carriers remain offshore and transfer their cargo into smaller crude tankers for the remainder of the voyage. Widening the Upper Bay reach and installation of barge lanes would increase the safety factor for this area and would reduce the shipping delays for the project, especially since shipping trends indicate a movement toward the use of larger vessels. Development of the La Quinta extension would allow benefits to be achieved while enhancing the economy of the region.

*Alternative Plans Considered:* A general screening process was first used to determine which structural plan would result in the objective of providing safe and efficient navigation at the least cost while minimizing environmental impacts. A total of 23 alternatives were initially evaluated for more detailed consideration. These alternatives included widening portions of the CCSC, deepening the CCSC, construction of barge lanes, deepening of the La Quinta Channel, and extending the La Quinta Channel.

*Description of Recommended Plan:* The recommended plan consists of the following improvements:

Deepen the CCSC from Viola Turning Basin to the end of the jetties in the Gulf of Mexico (approximately 34 miles) to -52 feet mean low tide (MLT); deepen the remainder of the channel into the Gulf of Mexico (approximately 2 miles) to -54 feet MLT; and widen the Upper Bay and Lower Bay reaches (approximately 20 miles) to 530 feet.

Construct barge shelves (channels) 200-foot-wide and 12-foot-deep MLT on both sides of the CCSC from it's junction with the La Quinta Channel to the entrance of the Inner Harbor (approximately 10 miles).

Extend the La Quinta Channel approximately 1.4 miles beyond its current limit at a depth of -39 feet MLT. The channel will measure 400 feet wide and include a second turning basin. The turning basin will be constructed at the end of the proposed channel extension with a diameter of 1200 feet, to a depth of -39 feet, MLT. The existing La Quinta Channel will remain at the existing 45-foot depth. The creation of 15 acres of seagrass adjacent to the La Quinta extension will mitigate for project impacts to approximately 5 acres of seagrass.

Construct two ecosystem restoration features, including rock breakwaters and geo-tubes to protect 1,200 acres of an existing high quality, complex wetland ecosystem that is comprised of a valuable mix of subtidal habitat, saltmarsh, blue-green algae flats, sandflats and associated uplands. Additionally, protect 40 acres of highly productive seagrass. Both components are adjacent to the CCSC in the Lower Bay reach of the channel.

*Physical Data on Project Features:* Deepening of the CCSC to -52 feet will allow vessels with deeper draft to access port facilities without first lightering/lightening their loads. Widening of the

CCSC will allow for two-way traffic in the channel, increasing safety and reducing delays. Barge lanes will allow the smaller, slower barges to transit the bay without the increased concern of collisions with larger ships. This will reduce delays and increase safety. Extension of the La Quinta Channel will allow benefits to be achieved while enhancing the economy of the region. Ecosystem restoration components will protect and enhance several important habitats including estuarine marsh, submerged aquatic vegetation, and endangered species habitat.

*Views of States, and Non-Federal Interests:* The selected beneficial use plan is the least cost, implementable plan and has the support of the state and Federal resource agencies. The non-Federal sponsor for the existing project, the Port of Corpus Christi Authority, has actively participated throughout the planning process. The Port of Corpus Christi Authority is supportive of the selected plan. There are no known significant issues.

*Views of Federal and Regional Agencies:* Extensive coordination was performed with the state and Federal resource agencies through the development of a Regulatory Agency Coordination Team. No outstanding issues remain.

*States of NEPA Document:* The Final Feasibility Report and Final Environmental Impact Statement were filed in the Federal Register on 18 April 2003.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$80,086,000
Non-Federal interest .....	92,854,000
Total .....	172,940,000

*Description of Non-Federal O&M Cost:* The non-Federal sponsor will cost share O&M for the CCSC at the same ratio as construction for the implement below 45 feet in depth. O&M for the barge shelves, and La Quinta extension will be paid 100% by the Federal interest. The non-Federal sponsor will also be responsible for 100% of O&M costs associated with mitigation and ecosystem restoration.

*Estimated Effects:*

[In thousands of dollars]

Account	Average annual equivalent beneficial effects	Average annual adverse effects
NED:		
CCSC .....	\$32,501	\$15,562
Barge Shelves .....	135	81
La Quinta .....	9,234	5,330
Ecosystem Restoration .....	1	267

<sup>1</sup> Average annual costs for ecosystem restoration at sites L and P are estimated at \$160,600 and \$106,400, respectively. It is estimated that the two sites will generate 144 and 16 average annual habitat units (AAHU), respectively, resulting in average annual costs of \$1,120 and \$6,650 per AAHU, respectively.

Project Economic Life: 50 years.

Benefit-Cost Ratio: CCSC 2.1; Barge Lanes 1.7; La Quinta 1.7.

Current Discount Rate: 5.375%.

NED Plan Recommended? Yes.

*Direct Beneficiaries:* Benefits were identified for ships carrying both import and export petroleum products and grain, as well as barge traffic and container ship traffic.

*Current State of Chief of Engineers Report:* A final Chief's report was signed on 2 June 2003.

(21) Gulf Intracoastal Waterway, High Island to Brazos River, Texas.—

*Location of Study Area:* Gulf Intracoastal Waterway (GIWW) from mile 318 to 400, between High Island and the Brazos River.

*Problems and Opportunities Identified in Study:* Rollover Pass is a man-made cut through a barrier island that causes several problems near this section of the GIWW. The study identified problems with high frequency of dredging and placement of material. Other concerns for this section are traffic collisions and groundings caused by the high shoaling rate.

Sievers Cove is a residential canal subdivision located along the GIWW where there is no barrier between the channel and East Bay. The gap poses a navigation problem for pilots during prevailing north winds. Also, area waterway users reported that a private mooring basin has barges moored too close to the GIWW. This condition causes recurring accidents and collisions.

Texas City Wye is a turning channel between the GIWW and the Galveston Ship Channel. The existing eastbound turning channel for barge traffic is too narrow and is often shoaled and difficult to locate. In addition to high winds and strong currents, the south end of the Texas City Wye channel intersects the north end of the Pelican Island Mooring Basin, complicating navigation when barges are moored there. Many towboat pilots have abandoned the Texas City Wye in favor of using the main intersection of the Texas City Channel and GIWW. This causes time delays and creates unsafe conditions as tows try to maneuver a 120-degree turn into a congested area used by deep-draft vessels.

The Pelican Island Bridge is a hazard to navigation due to the difficulty that tow operators have in lining barges up to pass through the bridge. A strong tidal current in the channel causes barges to drift into the bridge fender system. Consistently, there are at least four barge accidents at the fenders systems each year.

The Galveston Island Causeway Bridge, and railroad bridge, are major navigation hazards due to width limitations. The primary factor in barge collisions is the restriction in navigation span 104 to 109 feet in width. The United States Coast Guard's data showed ninety-nine collisions between commercial vessels near the causeway between 1991 and 1999.

Greens Lake contains no mooring facilities. Waterway users have stressed a need for a mooring facility west of Galveston Bay so tows can be moored when the high winds and currents do not allow for safe passage. Currently tow operators must push onto the bank in a sheltered area near Greens Lake. Constructing a mooring facility at this location would allow tows to break down and trip barges through the Galveston Causeway to the Pelican Island moorings on the other side.

A contiguous artificial land barrier flanking the GIWW on the West Bay side has been washed out due to severe erosion by the rough environment of the bay system. Although maintenance material has prolonged the protective service life of the barrier, it has not been able to keep pace with the erosion reclaiming the barrier. In these areas navigation is difficult due to strong southeasterly winds since there is no structure to attenuate the high current velocities and wave amplitude. Further erosion could breach the land,

increasing shoaling in the GIWW and allowing saltwater into Halls Lake, damaging existing habitat.

*Alternative Plans Considered:* For Rollover Pass, four alternatives were developed and analyzed. Preliminary alternatives include taking no action, narrowing the pass to limit the tidal currents, completely closing Rollover Pass, and the construction of a sediment trap.

For Sievers Cove, three alternatives were developed and analyzed. Alternatives included no-action, bank stabilization, and channel widening.

For Texas City Wye, three alternatives were developed and analyzed. Alternatives include the future without project condition (no-action plan), widening the existing turning channel, and widening the intersection between the GIWW and Texas City Channel (main channel).

For Pelican Island Moorings, three alternatives were developed and analyzed. Alternatives include the future without project condition (no-action plan), realignment of the GIWW adjacent to the mooring, and moving existing mooring further landward from GIWW.

For Pelican Island Bridge, four alternatives were developed and analyzed. Alternative plans include the future without project condition (no-action plan), bridge replacement, construction of moorings on each side of the bridge, and the construction of dolphins on each side of the bridge.

For Galveston Island Causeway Bridge, four alternatives were developed and analyzed. Alternatives include the future without project condition (no-action plan), flare alternatives, channel realignment and bridge replacement.

For Greens Lake, three alternatives were developed and analyzed. Alternative plans included the future without project condition (no-action plan), construction of the mooring facility on the bay side of the GIWW, and construction of the mooring facility within the mouth of Greens Lake.

*Description of Recommended Plan:* The recommended plan is the National Economic Development Plan. The recommended plan for Rollover Pass is to construct a sediment trap to intercept the sediment before it reaches the GIWW. Trapping the sediment and storing it in a basin would reduce the rate of its accumulation within the channel, thus reducing the number of times the channel has to be dredged. A numerical model reveals that a properly configured basin constructed in Rollover Bay will likely be effective in trapping enough sediment volume to significantly reduce the rate of shoaling occurring within the channel. Material trapped in the basin would be dredged and placed on the beach, at Federal cost, approximately every 2–3 years depending on the sedimentation rate.

The recommended plan for Sievers Cove is to widen the GIWW along the west approach to the opening to give pilots sufficient maneuvering room to position their tows northward when crossing the opening during prevailing northerly winds. Based on the existing conditions, engineering, and user input, it was determined that the north side of the channel should be widened 75 feet. The length of the widened area will extend westward 1400 feet, including transitions. The widened area will be excavated to a depth of elevation—

17.0 feet Mean Low Tide (MLT) and have 1V to 3H side slopes. Upland placement would use the existing GIWW placement site located adjacent to the channel in Placement Area #41.

The recommended plan for the Texas City Wye simply acknowledges and improves upon what is already taking place under current navigation practices. The plan was modified to include the parabolic curve based on reviews of the tract plots. With the improved intersection in place, the existing channel will be abandoned, and navigational aides removed. Marsh creation to extend the Pelican Island Spit was determined to have the least cost with the most environmentally acceptable disposal plan.

The recommended plan for the Pelican Island Moorings is to widen the facility 80 feet to the north, more than doubling its present width of 75 feet, yielding a total width of 155 feet. The depth of the basin will be—16.0 feet MLT with an additional 1-foot allowable overdepth. Along with the widening, 13 existing mooring buoys will be cut away from their anchors and set back 80 feet.

The recommended plan for the Pelican Island Bridge is the no-action alternative as none of the other alternatives provided enough benefits to overcome the cost. No further action will be taken at this site under this study.

The recommended plan for the Galveston Causeway is to wait until the Texas Department of Transportation replaces the highway and railroad bridges, and then dredge the channel to the authorized width of 125 feet. Bridge replacement, as part of this project, was not economically justified due to the high costs.

The recommended plan for mooring facilities in the area of Greens Lake is to construct Greens Lake Moorings at the mouth of the lake. This area was selected because open water is available, the area is somewhat sheltered, and the channel's north shoreline would be minimally impacted. Pilots surveyed stated that currents and waves from the lake do not cause appreciable navigational concerns or problems, and they were supportive of the site chosen. The mooring facility's design was developed jointly with the waterway users to assure their needs were completely satisfied, while minimizing impacts to the existing environment. The depth of the mooring basin will be—16.0 feet MLT with an additional 1-foot allowable overdepth. Placing material on the adjacent barrier island provides the mooring facility additional protection from wind and current. However, additional erosion protection is required. It was determined that a hydraulic filled levee with concrete matting be constructed on two sides of the PA.

The recommended plan for the West Bay Washout calls for a single 24-foot circumference, 10,000 foot geotube to be constructed between the GIWW and the West Bay. The geotube will be tied into the existing marsh creation site on the southwest end and to the existing barrier island on the northeast end. A cellular concrete mattress will be installed along the channel's north shoreline that separates the channel from Halls Lake. The mattress will be used to supplement the riprap placed by the State of Texas to provide the required 50-year project life.

*Views of States and Non-Federal Interests:* The local sponsor, Texas Department of Transportation (TXDOT), has actively participated throughout the planning process. TXDOT supports the rec-

ommended plans as outlined in this report and the continuation of shallow draft navigation of the state's coastal waters.

*Views of Federal and Regional Agencies:* The Final U.S. Fish and Wildlife Service Coordination Act Report, dated September 2002, was coordinated with Texas Parks and Wildlife. The final coordination report was received 9 October 2003. There were no outstanding issues on the draft.

*Status of NEPA Document:* An Environmental Assessment was completed as part of the Feasibility Report. The Finding of No Significant Impact was signed on 9 October 2003.

*Estimated Implementation Costs:*

Corps of Engineers ..... \$13,104,000

One half of the costs will be paid out of General Revenues and one half of the costs will be paid out of the Inland Waterways Trust Fund.

*Estimated Effects:*

[In thousands of dollars]

Account	Average annual equivalent bene- ficial effects	Average annual adverse effects
National Economic Development (NED) Plan:		
Navigation .....	\$3,272	\$1,430

Project economic life: 50 years.

Benefit-Cost Ratio: 2.3 (Current Discount Rate: 5<sup>3</sup>/<sub>8</sub> percent).

*Direct Beneficiaries:* The waterway users are the direct beneficiaries of the project.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 16 April 2004.

(22) Matagorda Bay, Texas.—

*Location of Study Area:* The GIWW parallels the Gulf of Mexico's coastline from Brownsville, at the southern tip of Texas, to St. Marks, Florida. The man-made channel is maintained by the Corps of Engineers at a minimum bottom width of 125 feet and a minimum depth of 12 feet. This shallow draft channel is an integral part of the total inland transportation system of the United States. The GIWW is a necessary link in the transportation network that moves commodities throughout the United States, as well as for foreign markets. The Matagorda Bay reach of the GIWW extends from Channel Mile 454 to 473, a distance of about 19 miles. The GIWW leaves the landlocked portion on the eastern side of Matagorda Bay near Mile 454 and turns in a southwesterly direction before turning west and running parallel to Matagorda Peninsula. At Mile 471, the GIWW intersects with the deep-draft Matagorda Ship Channel (MSC). The GIWW enters the landlocked portion again at Port O'Connor near Mile 473.

*Problems and Opportunities Identified in Study:* The proximity of the GIWW to the natural pass of Pass Cavallo and the construction of the jettied entrance channel and deep-draft MSC has created a maintenance dredging nightmare and navigation hazard. The influences of the natural and man-made channels have created a dangerous crosscurrent at the intersection with the GIWW. One-way traffic has been self-imposed from mile marker 469 to the Port O'Connor jetties at mile 473. To the south of the GIWW is Sun-

down Island, a National Audubon Society bird sanctuary. To the north is the dredged material placement site for the maintenance dredging operations. This has effectively limited the ability of barge traffic to maneuver to compensate for the crosscurrents and shoaling. The Feasibility Report offers an opportunity to relocate and widen the existing channel to avoid the strong cross-currents and allow for safe two-way vessel passage.

*Alternative Plans Considered:* The process for this study began with several alternative solutions that were considered reasonable and practical for the Matagorda Bay reach of the GIWW. Additional alternatives and changes to current alternatives were added as the study progressed. The non-structural and structural alternative plans were presented and developed to the level of detail needed to evaluate each plan alternative. Non-structural alternatives, other than No-Action, included the utilization of alternate modes of transportation such as the use of rail, truck, ocean-going barge, or combinations of these alternatives. The typical ratio of tonnage per movement between rail and inland barges is about 15 to 1, and with trucks the ratio is about 60 to 1. Another non-structural alternative of additional tugs to assist barges across the high-current area was considered but eliminated as not fully addressing the problems. Structural alternatives included dredging exchange outlets across the Matagorda barrier island to reduce the strong currents at the MSC, or realigning the existing route to avoid the existing current.

*Description of Recommended Plan:* The recommended plan is the National Economic Development plan and involves a southern realignment utilizing the existing GIWW route on the eastward end for approximately 3.9 miles before turning westward. The alignment is approximately 6,000 feet north of and parallel to the existing route. As the channel approaches the MSC, it is aligned towards the north, approximately 7,500 feet from the existing GIWW at its farthest point. The channel intersects the MSC approximately 6,000 feet north of the existing GIWW. The alignment then reconnects with the existing GIWW just before entering the jetties at Port O'Connor. A flare at the intersection allows the tows to realign in the GIWW before passing through the jetties. The total length of this alignment is 13 miles and divided into three reaches. Reach 1 is from station 0+00 to 160+00. Reach 2 is from 160+00 to 452+00. Reach 3 is from 452+00 to 704+59. The proposed channel depth is 12 feet, plus 2 feet of overdepth and 2 feet of advanced maintenance. The bottom width remains at 125 feet from station 0+00 to 550+00. It continues westward to station 703+00 with an average bottom width of 300 feet. The southern realignment results in 2.5 million cubic yards of dredged material and avoids impacts to oyster reefs. Future maintenance dredging is estimated at 77,000 cubic yards per year.

*Physical Data on Project Features:* Several ecosystem restoration features and beneficial use of dredged material features are included in the recommended placement plan. The area south of the shoreline east of Palacios Point is suitable for marsh creation using the new work material dredged from Reach 1. The water depth near the shoreline quickly drops to 2 feet and increases to 5 feet approximately 700 feet from the water's edge. The bottom sediment is sandy clay with large amounts of shell material, although no live

oysters were present. Some 7,000 feet east of Palacios Point, soil conditions and water depths are considered more suitable for establishment of oyster beds; therefore this would represent the limit of the marsh. The sandy clay material has sufficient bearing strength to easily support a geotextile tube that would be used as the perimeter levee of the marsh site. A marsh between 58 and 78 acres would be sufficient to contain the new work material from Reach 1.

For Reach 3, an acceptable marsh creation site was found in the bay, south of Broad Bayou and north of Port O'Connor. The area along the shore is prime habitat for oyster beds and seagrass is plentiful. However, some 900 feet from shore the depth of water is 4 feet and varies between 4 feet and 5 feet for approximately another 1,500 feet farther from shore. Maintaining this distance from shore ensures that the marsh avoids impacting this habitat. Approximately 108 acres of marsh can be created from the new work dredged material. The foundation material in this area is a silty sand with considerable shell fragments. The bearing capacity is easily sufficient for the geotextile tube that would be required to achieve the necessary levee height.

Sundown Island in Matagorda Bay is situated approximately one mile southeast of the intersection of the existing GIWW and the MSC. This island was created entirely from dredged material and consists of 60 acres, not including an existing bird island of 16 acres enclosed by one 8-foot high geotextile tube on the east end of the island. The site is a designated National Audubon Sanctuary (NAS) and serves as a nesting site for several endangered and threatened species. Because of the strong currents in the area, the island undergoes severe erosion. The NAS has requested that dredged material be placed on the perimeter of the island to offset the effects of erosion and help preserve the site. This existing bird island has a remaining capacity that can utilize the more sandy material from the western portion of Reach 3. An additional levee can be constructed off the north shore of Sundown Island, using 8-foot high tubes. The northwestern leg of the existing bird island's tube can serve as one of the boundaries in the new enclosure. With geotextile tubes placed out to distances of between 450 and 700 feet, in water depths suitable for avoiding stacking of tubes, an additional 31 acres would provide a storage capacity of 414,752 cubic yards of material. It will be necessary to construct a 2-foot berm under the tube's scour pad to raise the levee height in the deeper water. The western portion of Reach 3 consists of, on average, 74.3% loose sand. There is sufficient suitable sandy material for both the placement at Sundown Island and at Port O'Connor beach.

The beach at Port O'Connor was originally constructed as a beneficial use site using material dredged from the GIWW. The area north of the existing geotextile tube jetty that extends from the beach has experienced some erosion. This area could benefit from placement of the sandy material from dredging the western portion of Reach 3. The area would extend from the shore to approximately 300 to 400 feet into the water. The sand quality of this material, mostly between 37% and 14% fines, is sufficient for this purpose. The material could be pumped onto the beach from an average depth of between -2 feet and +1 feet (MLLW). This restoration

could yield a disposal capacity for new work material of approximately 200,000 cubic yards. The use of this beach as a beneficial use site may be considered once or twice during the 50-year maintenance dredge plan.

The application of ecosystem restoration and beneficial uses of dredged material for both new work and maintenance material for the selected plan is summarized below.

—In Reach 1, material is used to create a 10-acre marsh at Palacios Point. The remainder of the material is deposited in the offshore surf zone. Maintenance material from each 10-year dredging event is used to create an additional 25-acre marsh at Palacios Point.

—For Reach 2, all of the material is placed in the offshore surf zone.

—In Reach 3, material is used to create a 20-acre marsh at Port O'Connor, nourish the Port O'Connor beach, provide material to Sundown Island, and offshore placement in the surf zone. Maintenance material from each 3-year dredging event is used to create an additional 20-acre marsh at Port O'Connor for the first 21 years or 7 cycles. After 21 years, the maintenance material is placed offshore in the surf zone.

*Views of States, and Non-Federal Interests:* The non-Federal sponsor for the existing project, the Port of Corpus Christi Authority, has actively participated throughout the planning process. The Port of Corpus Christi Authority is supportive of the selected plan. There are no known significant issues.

*Views of Federal and Regional Agencies:* The local sponsor for the existing project, the Texas Department of Transportation, has actively participated throughout the planning process. The Texas Department of Transportation supports the Matagorda Bay Re-Route and the continuation of shallow draft navigation of the state's coastal waters. Extensive coordination was performed with the state and Federal resource agencies through the development of the recommended plan and no outstanding issues remain.

*States of NEPA Document:* The Final Feasibility Report and Final EA have been approved by all necessary Environmental Agencies. An EIS was not required for this report.

*Estimated Implementation Costs:*

Corps of Engineers ..... \$15,960,000

One half of the costs will be paid from General Revenues and one half will be paid from the Inland Waterways Trust Fund.

*Estimated Effects:*

[In thousands of dollars]

Account	Average annual equivalent bene- ficial effects	Average annual adverse effects
NED:		
Re-Route .....	\$1,600	\$2,356

Project Economic Life: 50 years.

Benefit-Cost Ratio: 1.5.

Current Discount Rate: 5.375%.

*Direct Beneficiaries:* Benefits were identified for ships carrying both import and export petroleum products and grain, as well as barge traffic and container ship traffic.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 24 December 2002.

(23) Riverside Oxbow, Fort Worth, Texas.—

*Location of Study Area:* The study area is located within the corporate limits of Fort Worth, Tarrant County, Texas.

*Problems and Opportunities Identified in Study:* The Riverside Oxbow and surrounding area has experienced both direct and indirect environmental degradation as a result of the construction and implementation of Benbrook Lake, Eagle Mountain Lake, Lake Worth, the Fort Worth Floodway project, and subsequent flood control projects and development activities. According to the U.S. Fish and Wildlife Service (1985), the indirect downstream effects of large flood control projects and reservoir construction on natural bottomland ecosystems are often more destructive, albeit not as immediate, as the direct impacts. Adverse impacts observed downstream include: (1) an unnatural bottomland hydroperiod causing major vegetational changes toward more xeric species as a result of the reduction in flooding; (2) the reduction of associated nutrient inputs to downstream bottomlands; (3) the loss of aquatic flora and fauna; (4) the loss of bank-stabilizing vegetation as a result of excessive bed and bank scour from irregular reservoir releases; (5) disruption of normal feeding and spawning cycles of fish which use floodplains; (6) elimination of high flows into bottomlands which prevents the input of bottomland nutrients into the aquatic system; and (7) potential negative effects to plant communities as a result of prolonged water releases during the growing season.

*Alternative Plans Considered:* Alternatives investigated in detail included three plans; the no-action, the National Ecosystem Restoration (NER) Plan and the Locally Preferred Plan (LPP).

*Description of Recommended Plan:* The recommended plan is the Locally Preferred Plan, not the National Ecosystem Restoration Plan. In total, the recommended plan would restore ecosystem values on 512.2 acres of floodplain lands, approximately 2 miles of Oxbow river channel, 56.5 acres of wetlands, and 112 acres of uplands. It would also provide 25,700 feet of mixed surface linear recreation trails.

*Physical Data on Project Features:* The recommended plan consists of reestablishing flows through the old West Fork of the Trinity River oxbow including replacing the existing Beach Street Bridge; creation of 69.6 acres of emergent wetlands, open water, and vegetative fringe habitat; habitat improvement of 179.7 acres of existing forested areas, including establishment of a 150 foot wide riparian buffer along the West Fork from Riverside Drive to East 1st Street; establishment of a buffer of native grasses and forbs on approximately 45.6 acres of land; reforestation of roughly 66.9 acres using a variety of native hard and soft mast trees and shrubs; preservation and habitat improvements to approximately 206.9 acres of native floodplain grassland; and eradication of 80 acres of invasive species and reestablishment of native species and creek bed protection on 112 acres within the Tandy Hills Nature Preserve, which is located on the south side of IH-30. The plan also includes compatible linear recreation along a 9,000-feet by 10-

feet wide concrete trail including one vehicular bridge, 1,400 feet of crushed aggregate trail, 7,600 feet of wood mulch equestrian trail, three observation areas, a new Gateway Park entrance road and bridge and other associated facilities (access points, parking lot, and restroom facilities), and 7,743 feet of crushed aggregate trail and associated facilities (access points and parking lot) in the Tandy Hill Nature Preserve.

*Views of States, and Non-Federal Interests:* The Tarrant Regional Water District (TRWD) is the local sponsor. The TRWD strongly supports the project and will fund the local share of the project.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department support the recommended plan as it would have substantial positive benefits to fish and wildlife resources of the project area. There are no outstanding issues.

*Status of NEPA Document:* The Final Environmental Assessment has been included as part of the Final Feasibility Report, dated May 2003.

*Implementation Costs of Recommended LPP Plan:*

Corps of Engineers .....	\$10,400,000
Tarrant Regional Water District .....	14,800,000
Total .....	25,200,000

The Secretary is directed to credit toward the non-Federal share of the cost of the project the cost of design and construction work on the Beach Street Dam and associated features if the Secretary determines that this work is integral to the project.

*Description of Non-Federal O&M Cost:* O&M responsibilities include mowing, trash collection and, as needed, replacements or rehabilitation of any of its components.

*Estimated Effects:* The LPP would restore an additional 112 acres and 25.83 AAHU's. The restoration will benefit the trail system and the habitat for song birds and migratory wading birds.

*Project economic life:* 50 years.

*Direct Beneficiaries:* The residents in the surrounding area are the direct beneficiaries of the project.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 29 May 2003.

(24) Deep Creek, Chesapeake, Virginia.—

*Location of the Study Area:* The Corps of Engineers operates a federally owned highway bridge over which U.S. Route 17 (George Washington Highway) crosses the Dismal Swamp Canal (DSC), a part of the Atlantic Intracoastal Waterway (AIWW). The bridge was constructed in 1934 and is located in the community of Deep Creek in the city of Chesapeake, Virginia. Chesapeake is part of the large metropolitan area of Hampton Roads which surrounds the mouth of the Chesapeake Bay.

*Problems and Opportunities Identified in Study:* The existing Deep Creek Bridge is a two lane, single-leaf Bascule Bridge that was constructed in 1934 at a cost of \$64,000. The bridge is now outdated and while structurally sound it is functionally obsolete in that it does not conform to existing standards for traffic load limits and roadway geometry. Traffic congestion and delays are commonplace. Potential adverse impacts to vessel traffic on the AIWW could result due to malfunction of the bridge, which has been used

for almost twice its originally estimated useful life. The city of Chesapeake operates and maintains four moveable highway bridges over navigable waterways, has experience in operating to meet the needs of navigation, and is willing to take over operation and maintenance of the improved bridge.

In a letter dated 21 March 1996, the city of Chesapeake requested that the Corps of Engineers consider the need for and feasibility of modifying or replacing this structure in conjunction with City and Commonwealth of Virginia plans to improve the road system in this area. The City has already begun improvements to the area's roadways, and the Commonwealth is currently contracting the design for a 10-mile stretch of U.S. Route 17 improvements from the North Carolina line to the proposed Dominion Boulevard. These improvements are needed to accommodate the rapidly increasing development in this area of Chesapeake.

*Alternative Plans Considered:* The possible solutions examined in the feasibility study included: (1) abandonment of the existing bridge in favor of relocating highways; (2) abandonment of the waterway; (3) rerouting the waterway to consolidate or minimize highway crossings; (4) bridge replacement with adequate structures that will accommodate existing and future traffic conditions and minimize delays for highway uses and navigation traffic; and (5) continued use of the existing low-level bridge. Bridge replacements included high-level fixed-span bridges, low-level bridges, and tunnels under the Dismal Swamp Canal.

*Description of the Recommended Plan:* The recommended plan, which is the National Economic Development (NED) plan, consists of replacing the existing bridge with a 5-lane, low-level, split-leaf, pit bascule bridge aligned south of and parallel to the existing bridge's centerline, and approach roadways.

The selected plan consists of a separate 2-lane leaf (eastbound) and 3-lane leaf (westbound). The eastbound leaf would be 75 feet long, 40 feet wide, and have two vehicle lanes and a pedestrian sidewalk. The westbound lane would have 3 vehicle lanes and be approximately 48 feet wide. The two spans would be separated by a space of approximately 1.5 feet. The new deck elevation would be at approximately 16.9 feet at Geodetic Vertical Datum, which is approximately 5.5 to 7 feet above average ground elevation in the vicinity and over one foot higher than the existing bridge deck. The roadway centerline would be approximately 100 feet south of the existing bridge centerline.

The selected plan described above is a design refinement of the bridge described in the feasibility report, which consisted of a 5-lane, low-level, fast acting (Scherzer rolling lift), single-leaf bascule bridge located south of and parallel to the existing bridge. The design change resulted from ongoing coordination by the Project Delivery Team including two design charrettes to refine the bridge design and roadway tie-ins. The refined design has several advantages over the initial design presented in the feasibility report including improving the sequence of construction, provides a better alignment which reduces real estate needs and impacts to adjacent properties, and allows better maintenance of traffic during construction. The new design does not change the estimated OMRR&R costs. The new design involves both cost savings and increased costs for various project features. There is a net increase in cost;

estimated first costs are \$21.8 million for the split-leaf bridge design compared to \$21.5 million for the single leaf. The increase is largely due to increased work resulting from additional information on site conditions and to increases in materials costs. These costs would be associated with any bridge plans, therefore, the new design remains the NED plan.

The plan initially preferred by the non-Federal sponsor was a four lane bridge. However, the studies have shown that in addition to providing greater overall benefits the addition of the fifth lane provides for a through lane to Old Mill Road and a left turn lane for southbound traffic on Mill Creek Parkway. These improvements allow for smooth traffic flow without backing traffic onto the bridge. The sponsor concurred with the selection of the NED plan.

**Approach Roadways**—The higher deck would require modifications to the approach roads on either side of the bridge to tie into existing road elevations on Cedar Road and Old Mill Road, as well as tying into the intersecting portions of George Washington Highway and Route 17. The recommended south parallel alignment was developed for a 5-lane roadway width. This south alternative alignment is less likely to disturb existing utilities. The provision of a fifth lane allows smooth traffic movement at the intersection without unreasonable stacking of traffic onto the bridge. In particular, the fifth lane will provide a dedicated through lane to Old Mill Road and a left turn lane for southbound traffic on Mill Creek Parkway. These movements are projected to increase substantially over the life of the project. The location of the proposed south alignment was set to allow continued operation of the existing bridge during new bridge construction. The approach roadway design speed for this alignment is 35 mph.

*New Policy Directions Recommended:* The Federal Government would pay 100 percent of the bridge replacement and approach road cost of the recommended plan, including LERRD. In addition, non-Federal interests would be responsible for operation and maintenance (O&M) costs, including assuming full ownership for the recommended plan.

*Views of States, and Non-Federal Interests:* The Commonwealth of Virginia, Department of Environmental Quality, responded by letter dated 20 August 2001. This letter forwarded a copy of the Commonwealth's 29 January 2001 comments on the draft report, which stated they had no objection to the project as long as it is constructed in accordance with all applicable state and Federal laws and regulations. There were no additional comments.

*Views of Federal and Regional Agencies:* The U.S. Department of the Interior (DOI), Office of the Secretary, responded by letter dated 8 August 2001. DOI had no comments to offer and did not object to the proposed project. The Environmental Protection Agency (EPA), Region 3 and Department of Transportation, responded by phone conversation on 26 February 2002 and 21 August 2001, respectively, that each had no comments to offer.

*Status of NEPA Document:* Because there were no significant issues affecting the natural and human environment, an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were prepared for this project. The FONSI was signed by the Norfolk District Engineer on 25 April 2001. The final Feasibility report and EA, with the signed FONSI, were circulated for

State and Agency review on 10 July 2001. The State and Agency review period ended on 9 August 2001.

*Estimated Implementation Costs:*

Corps of Engineers ..... \$35,573,000

*Description of Non-Federal O&M Costs:* The city of Chesapeake will assume ownership of the bridge and be responsible for all operations and maintenance (O&M) activities associated with this movable bridge. O&M responsibilities for the project include operator's labor, maintenance materials, equipment and labor, bridge inspection reports, utilities, and major replacements.

*Estimated Effects:* The estimated average annual costs are \$2,458,000 and the estimated average annual benefits are \$18,750,000. The benefit to cost ratio is 7.6, applying a discount rate of 5-3/8 percent over a 50-year planning period.

*Direct Beneficiaries:* Highway users. Increased safety to boating traffic.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 3 March 2003.

(25) Chehalis River, Centralia, Washington.

*Location of the Study Area:* The study area is about 50 miles east of the Pacific Ocean and about 25 miles south on Interstate Highway 5 (I-5) of the state capital, Olympia. The study area includes the mainstem Chehalis River, its floodplain and tributaries from the South Fork Chehalis River confluence to Grand Mound, and includes the Cities of Centralia and Chehalis, in Lewis County, Washington.

*Problems and Opportunities Identified in Study:* The cities of Centralia and Chehalis have been subject to repeated flooding for many years. This flooding has caused extensive damage to private and public property and periodic closure of critical transportation routes resulting in significant economic losses. The most recent flood events were in 1990 and 1996. The 1996 event alone resulted in tens of millions of dollars worth of damages.

Lewis County and other project stakeholders have recognized the critical need for a comprehensive solution to flooding issues in the urban areas of Centralia and Chehalis. This includes the Washington State Department of Transportation, which will save millions of dollars that would have been used to raise the interstate highway I-5 to protect it from flooding. Flood damages to be prevented include substantial urban flooding and the periodic closure of Interstate 5, a major north-south highway that was closed due to flooding most recently in December 2001.

*Alternative Plans Considered:* The possible solutions examined in the feasibility study included: (1) Skookumchuck Dam modifications, (2) overbank excavation and flowway bypass, (3) a levee system, (4) upstream flow restriction structures and upstream storage, (5) a non-structural alternative, and (6) an Interagency Committee alternative that included restricted development measures and small structural measures. The non-Federal sponsor and the Corps worked closely with the local, Federal and state agencies, local tribes and the public to develop a comprehensive list of alternatives for reducing flood damages.

*Description of the Recommended Plan:* The recommended plan is the Locally Preferred Plan, not the National Economic Develop-

ment Plan. To reduce flood damages to the community the recommended plan includes modifying Skookumchuck Dam, constructing a system of levee/floodwalls, and raising in elevation 8 structures that would incur induced damages from increased inundation as a result of the project.

**Dam Modification.**—The recommended plan would modify Skookumchuck Dam to add flood control capabilities to the existing reservoir. Skookumchuck Dam would be modified for storage by raising the pool and create a new outlet scheme. Because the recommended dam feature needs additional evaluation, as the proposed conversion of the existing uncontrolled fixed crest spillway to a gated spillway conflicts with Corps of Engineers guidance on spillway design. Accordingly the recommended plan for up to 20,000 acre-feet of flood control storage is subject to a determination by the Chief of Engineers that the additional storage above 11,000 acre-feet is technically feasible and environmentally acceptable.

**Levee/Floodwalls.**—About 15.5 miles of levee/floodwalls will provide flood protection to the City of Centralia, the City of Chehalis, and I-5. The levee/floodwall feature has two segments—Chehalis River and Skookumchuck River. The levee system extends along the Chehalis River from river mile (RM) 75 to RM 64 and along most of the lower 2 miles of Skookumchuck River to the confluence with Coffee Creek. The floodwall is approximately 13,200 feet long and the levees are approximately 68,640 feet long. The plans include minimal interior flood control (IFC) features, with refinements to the IFC deferred to future studies. The alignments follow existing levees and incorporate the I-5 and rail line embankments in the line of protection. The recommended plan for the levees and floodwalls exceeds the NED plan. The difference between the NED and LPP levee/floodwall plans is the level of protection on the lower Skookumchuck River segment. For the NED Plan, one of the levee reaches (16 total) has a 97.7% chance of containing the 100-year event on the Chehalis River segment and only a 20.6% chance of containing the 100-year event on the Skookumchuck River segment. For the LPP the respective 100-year event numbers are 97.8% on the Chehalis and 99.8% on the Skookumchuck.

**Environmental Features.**—Unavoidable environmental impacts will include wetland and riparian habitat degradation and destruction resulting in the loss of approximately 105 habitat units. Mitigation for these losses will be accomplished through a combination of wetland creation, revegetation of riparian habitat, and reconnection of an isolated oxbow with the mainstem Chehalis River.

**Views of States, and Non-Federal Interests:** The following State and Tribal agencies responded to the request for review: (1) Washington State Department of Fish & Wildlife, responded by letter dated 26 March 2004; (2) The Washington State Department of Ecology responded by letter dated 27 February 2004 and 23 March 2004; (3) The Confederated Tribes of the Chehalis Reservation, responded by letter dated March 17, 2004. Concerns expressed by the respondents included the lack of project features to address ecosystem restoration, mitigation, floodplain management practices, and water quality concerns. In letters of response, the Corps provided satisfactory clarification to those concerns.

*Views of Federal and Regional Agencies:* The following Federal agencies responded to the request for review: (1) The U.S. Department of the Interior (DOI), Office of the Secretary, responded by letter dated 20 April 2004; (2) The U.S. Environmental Protection Agency, responded by letter 26 March 2004. Concerns expressed by the respondents included the lack of project features for ecosystem restoration, mitigation, uncertainties about impacts on the Skookumchuck River, the need to prepare a supplemental EIS to address various outstanding issues, and water quality concerns. In letters of response, the Corps provided satisfactory clarification to these concerns.

*Status of NEPA Document:* A Final Environmental Impact Statement was completed in June 2003.

*Estimated Implementation Costs:*

Corps of Engineers .....	\$66,425,000
Lewis County .....	43,425,000
Total .....	109,850,000

The existing flood damage reduction project authorization for the Chehalis River, in Section 401(a) of the Water Resources Development Act of 1986, was modified by Section 118 of Public Law 106-554 to authorize the Secretary of the Army to provide the non-Federal interest credit toward the non-Federal share of the cost of that project, for the cost of planning, design, and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement if the Secretary determines that the work is integral to the project. The authority to provide credit is restated in this section. In light of this authority, the Chief's Report recommends that the non-Federal interest shall receive credit in an amount of up to \$6,500,000 towards its share of project costs for planning and design work carried out by the non-Federal interest in accordance with the Project Study Plan dated 28 November 1999 and credit towards its share of project costs for any other planning and design work carried out by the non-Federal interest that the Secretary determines to be integral to the project, including work done prior to execution of a project cooperation agreement for the project.

*Description of Non-Federal O&M Costs:* Lewis County will be responsible for the operation and maintenance of the levee system. This will entail a minimum of one inspection annually, and preferably an inspection after each flood event documenting levee conditions and any repairs or maintenance required or completed. The annual operation and maintenance for the flood control portion of Skookumchuck Dam include the annual maintenance, flood control operation, and fish migration due to flood control operations.

*Estimated Effects:* The average annual benefits are \$9,126,000 and the average annual costs are \$7,017,000 assuming a project life of 50 years and a discount rate of 5.625%. The net annual benefits are \$2,109,000 and the benefit-to-cost ratio is 1.3 to 1.

*Direct Beneficiaries:* The incidence of flood control benefits is widespread. The project will benefit agricultural landowners (2,200 acres), residential homeowners (3,926 structures), commercial and industrial structure owners (294 structures), and interstate commerce using I-5.

*Current Status of Chief of Engineers Report:* A final Chief's report was signed on 27 September 2004.

*Section 1002. Small projects for flood damage reduction*

Subsection (a) directs the Secretary to study and carry out projects for flood damage reduction under the authority of section 205 of the Flood Control Act of 1948 (which authorizes \$50,000,000 a year for Federal participation in small flood damage reduction projects up to \$7,000,000 per project, with a minimum 35% non-Federal cost-share) at the following locations:

- (1) Haleyville, Alabama.
- (2) Weiss Lake, Alabama.
- (3) Chino Valley Wash, Arizona.
- (4) Little Colorado River Levee, Arizona.
- (5) Cache River Basin, Grubbs, Arkansas.
- (6) Barrel Springs Wash, Palmdale, California.
- (7) Borrego Springs, California.
- (8) Colton, California.
- (9) Dunlap Stream, San Bernardino, California.
- (10) Hunts Canyon Wash, Palmdale, California.
- (11) Wildwood Creek, Yucaipa, California.
- (12) Utica and Vicinity, Illinois.
- (13) Des Moines and Racoon Rivers, Iowa.
- (14) Peabody, Massachusetts.
- (15) Salem, Massachusetts.
- (16) Cass River, Michigan.
- (17) Crow River, Rockford, Minnesota.
- (18) Itasca County, Minnesota.
- (19) Marsh Creek, Minnesota.
- (20) Roseau River, Roseau, Minnesota.
- (21) South Branch of the Wild Rice River, Borup, Minnesota.
- (22) Blacksnake Creek, St. Joseph, Missouri.
- (23) Cannisteeo River, Addison, New York.
- (24) Cohocton River, Campbell, New York.
- (25) East River, Silver Beach, New York City, New York.
- (26) East Valley Creek, Andover, New York.
- (27) Sunnyside Brook, Westchester County, New York.
- (28) Little Yankee Run, Ohio.
- (29) Little Neshaminy Creek, Warrenton, Pennsylvania.
- (30) Southampton Creek Watershed, Southampton, Pennsylvania.
- (31) Spring Creek, Lower Macungie Township, Pennsylvania.
- (32) Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania.
- (33) Surfside Beach, South Carolina.
- (34) Congelosi Ditch, Missouri City, Texas.
- (35) Dilley, Texas.

Subsection (b) establishes special rules for the following projects—

- (1) Cache River Basin, Grubbs, Arkansas.—The Secretary may carry out the project for flood damage reduction, Cache River Basin, Grubbs, Arkansas under this section notwithstanding any policy limiting use of this authority in areas within the boundaries of a larger flood control project.
- (2) Wildwood Creek, Yucaipa, California.—The Secretary is directed to review the locally preferred plan for the project for flood damage reduction, Wildwood Creek, California, and to use that plan, if it meets the standards of the Corps of Engi-

neers, and to provide credit for work carried out by the non-Federal interest if integral to the project.

(3) Borup, Minnesota.—The Secretary is authorized to consider ecosystem restoration benefits when determining the Federal interest in the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, and is directed to allow the non-Federal interest to increase its participation in the project, if necessary to implement the project.

(4) Itasca County, Minnesota.—The Secretary is authorized to consider ecosystem restoration benefits when determining the Federal interest in the project for flood damage reduction, Itasca County, Minnesota.

(5) Dilley, Texas.—The Secretary is directed to carry out the project for flood damage reduction, Dilley Texas, if feasible, notwithstanding any policy regarding volume of flows.

*Section 1003. Small projects for emergency streambank protection*

Directs the Secretary to study and carry out projects for streambank erosion control under section 14 of the Flood Control Act of 1946 (which authorizes \$15,000,000 a year for Federal participation in projects up to \$1,000,000 per project, with a 35% non-Federal cost-share) at the following locations:

- (1) Ouachita and Black Rivers, Arkansas and Louisiana.
- (2) Franklin Point Park, Anne Arundel County, Maryland.
- (3) Mayo Beach Park, Anne Arundel County, Maryland.
- (4) Piney Point Lighthouse, St. Mary's County, Maryland.
- (5) St. Joseph Harbor, Michigan.
- (6) Pug Hole Lake, Minnesota.
- (7) Middle Fork Grand River, Gentry County, Missouri.
- (8) Platte River, Platte City, Missouri.
- (9) Rush Creek, Parkville, Missouri.
- (10) Keuka Lake, Hammondsport, New York.
- (11) Kowawese Unique Area and Hudson River, New Windsor, New York.
- (12) Howard Road Outfall, Shelby County, Tennessee.
- (13) Mitch Farm Ditch and Lateral D, Shelby County, Tennessee.
- (14) Wolf River Tributaries, Shelby County, Tennessee.
- (15) Johnson Creek, Arlington, Texas.
- (16) Wells River, Newbury, Vermont.

*Section 1004: Small projects for navigation*

Subsection (a) directs the Secretary to study and carry out projects for navigation, under the authority of section 107 of the River and Harbor Act of 1960 (which authorizes \$35,000,000 a year for Federal participation in small navigation projects up to \$4,000,000 per project with non-Federal cost-sharing as determined under the Water Resources Development Act of 1986) at the following locations:

- (1) Blytheville County Harbor, Arkansas.
- (2) Mahukona Beach Park, Hawaii.
- (3) North Kohala Harbor, Hawaii.
- (4) Wailoa Small Boat Harbor, Hawaii.
- (5) Mississippi River Ship Channel, Louisiana.
- (6) Port Tobacco River and Goose Creek, Maryland.

- (7) St. Jerome Creek, St. Mary's County, Maryland.
- (8) East Basin, Cape Cod Canal, Sandwich, Massachusetts.
- (9) Lynn Harbor, Lynn, Massachusetts.
- (10) Merrimack River, Haverhill, Massachusetts.
- (11) Oak Bluffs Harbor, Oak Bluffs, Massachusetts.
- (12) Woods Hole Great Harbor, Falmouth, Massachusetts.
- (13) Au Sable River, Michigan.
- (14) Traverse City Harbor, Traverse City, Michigan.

Subsection (b) establishes special rules for the following projects—

(1) Blytheville County Harbor, Arkansas.—Directs the Secretary to carry out the project for navigation, Blytheville County Harbor, Arkansas if the Secretary determines that the project is feasible, notwithstanding any policy related to fast lands.

(2) Traverse City Harbor, Traverse City, Michigan.—Directs the Secretary to use a plan developed by the local sponsor to carry out the project if the Secretary determines that the plan meets standards of the Corps of Engineers and to credit the local sponsor for the costs of preparing that plan and for other work, if the Secretary determines that work is integral to the project.

*Section 1005: Small projects for improvement of the quality of the environment*

Directs the Secretary to study and carry out a project for improvement of the environment, under the authority of section 1135 of the Water Resources Development Act of 1986 (which authorizes \$25,000,000 a year for Federal participation in projects up to \$5,000,000 per project, with a 25% non-Federal cost-share) at the following locations:

- (1) Ballona Creek, Los Angeles County, California.
- (2) Ballona Lagoon Tide Gates, Marina Del Rey, California.
- (3) Rathbun Lake, Iowa.
- (4) Smithville Lake, Missouri.
- (5) Delaware Bay, New Jersey and Delaware.
- (6) Tioga-Hammond Lakes, Pennsylvania.

*Section 1006: Small projects for aquatic ecosystem restoration*

Directs the Secretary to study and carry out projects for aquatic ecosystem restoration under the authority of section 206 of the Water Resources Development Act of 1996 (which authorizes \$25,000,000 a year for Federal participation in small ecosystem restoration and protection projects up to \$5,000,000 per project, with a 35% non-Federal cost-share) at the following locations:

- (1) Cypress Creek, Montgomery, Alabama.
- (2) Ben Lomond Dam, Santa Cruz, California.
- (3) Dockweiler Bluffs, Los Angeles County, California.
- (4) Salt River, California.
- (5) Santa Rosa Creek, Santa Rosa, California.
- (6) Stockton Deep Water Ship Channel and Lower San Joaquin River, California.
- (7) Sweetwater Reservoir, San Diego County, California.
- (8) Bayou Texar, Pensacola, Florida.
- (9) Biscayne Bay, Florida.
- (10) Clam Bayou and Dinkins Bayou, Sanibel Island, Florida.
- (11) Destin Harbor, Florida.

- (12) Chattahoochee Fall Line, Georgia and Alabama.
- (13) Longwood Cove, Gainesville, Georgia.
- (14) City Park, University Lakes, Louisiana.
- (15) Mill Pond, Littleton, Massachusetts.
- (16) Pine Tree Brook, Milton, Massachusetts.
- (17) Kalamazoo River Watershed, Battle Creek, Michigan.
- (18) Rush Lake, Minnesota.
- (19) South Fork of the Crow River, Hutchinson, Minnesota.
- (20) St. Louis County, Missouri.
- (21) Truckee River, Reno, Nevada.
- (22) Grover's Mill Pond, New Jersey.
- (23) Dugway Creek, Bratenahl, Ohio.
- (24) Johnson Creek, Gresham, Oregon.
- (25) Beaver Creek, Beaver and Salem, Pennsylvania.
- (26) Cementon Dam, Lehigh River, Pennsylvania.
- (27) Delaware River, Philadelphia Naval Shipyard, Pennsylvania.
- (28) Saucon Creek, Northampton County, Pennsylvania.
- (29) Blackstone River, Rhode Island.
- (30) Wilson Branch, Cheraw, South Carolina.
- (31) White River, Bethel, Vermont.

*Section 1007: Small projects for shoreline protection*

Directs the Secretary to study and carry out projects under section 3 of the Act entitled "An Act authorizing the Federal participation in the cost of protecting the shores of publicly owned property," approved August 13, 1946 (which authorizes \$30,000,000 a year for Federal participation in small shoreline protection projects, up to \$3,000,000 per project, with a 35% non-Federal cost-share) at the following locations:

- (1) Nelson Lagoon, Alaska.
- (2) Sanibel Island, Florida.
- (3) Apra Harbor, Guam.
- (4) Piti, Cabras Island, Guam.
- (5) Narrows and Gravesend Bay, Upper New York Bay, Brooklyn, New York.
- (6) Delaware River, Philadelphia Naval Shipyard, Pennsylvania.
- (7) Port Aransas, Texas.

*Section 1008: Small projects for snagging and sediment removal*

Directs the Secretary to study and carry out a project under section 2 of the Flood Control Act of August 28, 1937 at Kowawese Unique Area and Hudson River, New Windsor, New York.

TITLE II—GENERAL PROVISIONS

*Section 2001. Non-Federal contributions*

Amends section 103 of the Water Resources Development Act of 1986 by placing a prohibition on the solicitation of excess contributions from the non-Federal sponsor for water resources development projects. This provision does not affect the ability of non-Federal interest to make additional contributions in order to implement a project as provided in section 903(c) of the Water Resources Development Act of 1986.

*Section 2002. Harbor cost sharing*

Amends sections 101 and 214 of the Water Resources Development Act of 1986 by striking “45 feet” each place it appears and inserting “53 feet” and provides that such amendments shall only apply to the project, or separable element thereof, on which a contract for physical construction has not been awarded before October 1, 2003.

*Section 2003. Funding to process permits*

Amends section 214 of the Water Resources Development Act of 2000 to extend the period of funding to process permits up to 2008.

*Section 2004. National Shoreline Erosion Control Development Act and demonstration program*

Amends section 5 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property” of August 13, 1946, to extend the program to 10 years and to continue the planning, design, and construction phase to 6 years, provide for cost-sharing, allow removal of some projects, and to increase the authorization level from \$21,000,000 to \$31,000,000.

*Section 2005. Small shore and beach restoration and protection projects*

Amends section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property” of August 13, 1946, to increase the maximum Federal participation in each project from \$3,000,000 to \$5,000,000.

*Section 2006. Written agreement for water resources projects*

Amends section 221(a) of the Flood Control Act of 1970, to rename project cooperation agreements as partnership agreements, require the Secretary to delegate authority to District Engineers to enter into certain partnership agreements, and include a provision for liquidated damages. Amends section 912(b) of the Water Resources Development Act of 1986 to eliminate civil penalties in partnership agreements and allow the use of damages instead. The purpose of this section is to encourage a new culture of partnership among the Corps of Engineers and its non-Federal project sponsors, and to substantially increase the efficiency of Corps project implementation.

The Water Resources Development Act of 1986 significantly increased the roles and responsibilities of project sponsors. Non-Federal interests were required to act in cohort and partnership with the Federal Government in carrying out projects. Non-Federal interests found themselves responsible for providing a substantial portion of the cost of the project.

As a result of the Water Resources Development Act of 1986, project cooperation agreements (PCAs) required under Section 221 of the Flood Control Act of 1970 and Section 912 of the Water Resources Development Act of 1986 assumed significant importance in defining non-Federal responsibilities for providing items of local cooperation. Unfortunately, since 1986, the administration of PCAs has evolved into a layered bureaucracy that frustrates non-Federal interests and unnecessarily slows progress toward ultimate project construction.

Non-Federal interests frequently express concern that PCAs serve only the interests of the Federal government and often impose binding conditions on them that are inconsistent with their non-Federal constitutional powers, creating an adversarial atmosphere of mistrust that frustrates the essential partnership needed for effective project implementation. Non-Federal project partners also find frustration in the multiple layers of review and approval imposed upon the execution of PCAs within the Department of the Army. Projects are delayed for long periods, some for years, awaiting approval and execution of the project agreement.

This section adopts a structure under which the Assistant Secretary of the Army (Civil Works) is directed to develop broad policy to govern the content of partnership agreements to comply with law and policy; the Chief of Engineers provides specific policy guidelines governing the content of these agreements; and, under authority delegated by the Secretary, District Engineers review and execute partnership agreements. These changes reflect favorably on the capability of Divisions and Districts to accomplish as much review and approval as possible. The Committee does not expect all partnership agreements to undergo a Washington level review. However, agreements that address novel or particularly complicated issues would continue to be reviewed. Under this new structure, the Secretary may retain the authority to approve a partnership agreement upon notification to the District Engineer within 30 days of the date of authorization of the project and must report to Congress annually on the number of agreements signed by District Engineers and by the Secretary. For agreements signed by the Secretary, the Secretary must provide an explanation of why delegation to the District Engineer was not appropriate. This section also requires the Chief of Engineers to ensure that partnership agreements are made publicly available on the Internet.

Through these changes, the Committee expects to address the concerns of non-Federal interests, improve efficiency by streamlining the process for approving partnership agreements, and to foster a culture of true partnership that will improve projects and their implementation.

*Section 2007. Assistance for remediation, restoration, and reuse*

Authorizes the Secretary to provide assessment, planning, and design assistance to State and local governments for remediation, environmental restoration, and reuse of areas that will contribute to improvement in water quality or to conservation of water and related resources. The non-Federal share is 50%. Authorizes \$30,000,000 a year for fiscal years 2006–2010. Under the authority provided by this section, the Secretary may provide assistance to the city of St. Louis, Missouri, to help remove abandoned buildings and prepare property for future use, may provide assistance to the Port of Bellingham, Washington, to provide assistance to the Bellingham “Portsfield” project, and may provide assistance of Worcester, Massachusetts, to revitalize the Blackstone Canal.

*Section 2008. Compilation of laws*

Directs the Secretary to produce a compilation of water resources development laws enacted after November 8, 1966, and before January 1, 2006. The Committee included similar language in the

Water Resources Development Act of 1986, which the Secretary has not implemented. The Committee strongly supports public availability and consolidation of laws related to water resources development, and expects the Secretary to promptly comply with this section using existing, internal resources.

*Section 2009. Dredged material disposal*

Amends section 217 of the Water Resources Development Act of 1996 to ensure that the Secretary has the authority to address dredged material disposal on a regional, as well as a project-by-project basis, and may combine funding from separate projects to do so.

*Section 2010. Wetlands mitigation*

Requires the Secretary, to the maximum extent practicable and where appropriate, to give preference for use of wetlands mitigation banks that meet certain criteria, when carrying out wetlands mitigation for a water resources project. Nothing in this section affects the responsibility of the Corps of Engineers to apply the guidelines developed under section 404(b)(1) of the Federal Water Pollution Control Act.

*Section 2011. Remote and subsistence harbors*

Allows the Secretary to recommend a project for harbor and navigation improvements without the need to demonstrate that the project is justified solely by national economic development benefits if (1) the community served by the project is at least 70 miles from the nearest surface accessible commercial port with no direct rail or highway link to another serviceable community or located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, or American Samoa; (2) the harbor is economically critical such that over 80 percent of the goods transported would be consumed within the community served by the harbor and navigation improvement; and (3) the long term viability of the community is dependent on the harbor, including access to resources and facilities designed to protect public health and safety.

*Section 2012. Beneficial uses of dredged material*

Amends section 204 of the Water Resources Development Act of 1992 to allow cost-sharing of the use of dredged material at any water resources project (not just aquatic ecosystem restoration projects), to allow non-profit entities to serve as the non-Federal interest for a project under specified conditions, to increase the authorization of appropriations to \$30,000,000 annually, and to allow the Secretary to develop regional sediment management plans at Federal expense. Also allows the Secretary to use this dredged material to carry out, at Federal expense, aquatic ecosystem restoration projects located in a disadvantaged community if the project cost is not greater than \$750,000, not to exceed a total of \$3,000,000 in any fiscal year. Directs the Secretary to give priority to beneficial use projects in the vicinity of Little Rock Slackwater Harbor, Arkansas; Egmont Key, Florida; Calcasieu Ship Channel, Louisiana; Smith Point Park Pavilion TWA Flight 800 Memorial,

Brookhaven, New York; Morehead City, North Carolina; and, Galveston Bay, Texas.

*Section 2013. Cost sharing provisions for certain areas*

Amends section 1156 of the Water Resources Development Act of 1986 to increase from \$250,000 to \$500,000 the exemption from cost-sharing for the initial costs of studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, United States Virgin Islands and on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaskan Native Claims Settlement Act.

*Section 2014. Revision of project partnership agreement*

Directs the Secretary to revise the partnership agreement for the project to take into account the change in Federal participation in the project, when Congress increases the authorization ceiling for a project.

*Section 2015. Cost sharing*

Provides that in any case in which Congress increases the maximum amount of Federal funds that may be allocated for a project or increases the total cost of a project, such increase shall not affect any cost-sharing requirement applicable to the project.

*Section 2016. Credit for work performed before partnership agreement*

Requires the Secretary to enter into an agreement with a non-Federal sponsor for the performance of work eligible for credit against the non-Federal sponsor's costs, and limits such credit to work carried out under the agreement thereby ensuring that Federal standards for the construction of public works will apply to these projects.

*Section 2017. Recreation user fee revenues*

Amends section 225 of the Water Resources Development Act of 1999 to make permanent the provision of law that allows the Secretary to retain recreation user fee revenues for use at Corps recreation facilities and to increase the baseline to \$42,000,000.

*Section 2018. Expedited actions for emergency flood damage reduction*

Directs the Secretary to expedite planning, design, and construction of a project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage sufficient to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

*Section 2019. Watershed and river basin assessments*

Amends section 729(f)(1) of the Water Resources Development Act of 1986 to provide a 75% Federal share for watershed and river basin assessments carried out under that section to encourage States and local governments to engage in regional planning. This section also adds Tuscarawas River Basin, Ohio; Sauk River Basin,

Snohomish and Skagit Counties, Washington; Niagara River Basin, New York; and Genesee River Basin, New York, to the list of priority basins in section 729(d).

*Section 2020. Tribal partnership program*

Amends section 203 of the Water Resources Development Act of 2000 to make Oklahoma tribes eligible for assistance under the Tribal Partnership Program and to extend the program through 2010.

*Section 2021. Wildfire firefighting*

Adds the Secretary to the existing list of Federal agencies authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

*Section 2022. Credit for non-construction services*

The Committee has included language in the bill that provides generic authority to the Secretary to allow, under certain conditions, credit toward the non-Federal share of project costs for design and management work performed by a non-Federal interest that is compatible with and necessary to implement the project. This authority does not apply to construction. The Committee has received numerous requests from proponents of specific projects to allow non-Federal interests to obtain credit for work they perform that advances the project. Where a non-Federal interest has an established capability, it can often accomplish work faster and at less cost than if undertaken by the Corps of Engineers, thus freeing the Corps to expedite other aspects of the project. While requests for credit have received favorable consideration in this legislation and prior water resources legislation, the Committee concluded that a general provision allowing credit under specified conditions would minimize the need for future project-specific provisions and, at the same time, assure consistency in considering future proposals for credit. The authority to approve such credit applies to any authorized water resources development project, regardless of the date of project authorization, provided the limitations of this section are applied.

Several limitations are included in this provision to assure compatibility with the project, control costs, and safeguard the Federal interest. The credit amount cannot exceed the non-Federal share of project costs; and allowing credit does not obviate the normal requirement that the non-Federal interest provides necessary lands, easements, rights-of-way and dredged material disposal area. Furthermore, the value of the credited amount cannot exceed the Secretary's determination of actual and reasonable costs of materials or in-kind services that are provided by the non-Federal interest. The non-Federal interest may, however, provide such materials and services with in-house capabilities or through consultants or other third-party entities. Finally, while prior approval from the Secretary is not required, the non-Federal interest shall not be allowed credit for materials and services that are not determined by the Secretary to be compatible with and necessary for the project.

*Section 2023. Technical assistance*

Amends section 22 of the Water Resources Development Act of 1974, which authorizes planning assistance to States, to authorize the Secretary, upon request of a governmental agency or non-Federal interest, to provide a small amount of technical assistance at Federal expense. This assistance may include hydrologic, economic and environmental data and analyses and may not exceed \$5,000,000 a year. This authority will allow the Corps of Engineers to participate with State and local governments in watershed planning, instead of maintaining a narrow focus on individual project areas. Of the amount authorized, \$2 million may be used for cooperative agreements with nonprofit entities to provide assistance to rural and small communities. The Committee notes that State rural water associations have the capability to carry out these activities. Assistance under this section to State rural water associations may be combined with assistance provided under the Farm Security and Rural Investment Act of 2002 and other authorities to maximize the ability to provide watershed technical assistance to rural and small communities. In addition, this section amends section 22 of the Water Resources Development Act of 1974 to increase the amount of assistance that may be provided each year to a single State from \$500,000 to \$1,000,000, and requires the Secretary to provide the Committee each year with a report that describes the activities proposed to be funded in each State under this section.

Under the authority of section 22 of the Water Resources Development Act of 1974, the Secretary may conduct a light detection and ranging survey to provide topographic information and geographical information system maps to local and regional planning agencies and soil conservation services in the 29th Congressional District of New York. Under this authority, the Secretary also may develop a computer model of Hilo Bay, Hawaii, to help the County of Hawaii identify alternatives for improving water quality and circulation. Under this authority, the Secretary also may provide assistance to the Assabet River Consortium, which is composed of the communities of Shrewsbury, Westborough, Northborough, Marlborough, Hudson, and Maynard, Massachusetts, to determine the feasibility of remediating sedimentary phosphorus in the Assabet River.

*Section 2024. Coordination and scheduling of Federal, State, and local actions*

This section authorizes the Secretary to assist in consolidation and streamlining of all agency environmental assessments, project review, and issuance of permits for the construction of non-Federal water supply, wastewater, flood control, environmental restoration, and navigation projects that require the Secretary's approval, if reimbursed by the non-Federal interest. Under this section, if the Secretary is responsible for reviewing and issuing an approval for a non-Federal project, the Secretary may provide a coordinating role to facilitate other necessary reviews and approvals. This provision is based on the Corps' existing authority under section 205 of the Water Resources Development Act of 1986 to coordinate Federal, State, and local reviews for non-Federal navigation projects.

*Section 2025. Project streamlining*

This section authorizes the Secretary to coordinate and expedite environmental reviews of proposed water resources projects with schedules and early dispute resolution to streamline project studies. To achieve this, this section directs the Secretary to develop and implement a coordinated review process under which all environmental reviews, analyses, opinions, permits, licenses, and approvals would be completed within a period of time established by the Secretary, in cooperation with the agencies participating in the coordinated environmental review process. Participation by non-Federal agencies is voluntary. If deadlines are not met, this section requires the Secretary to notify the Committee, as well as the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved in the failure to meet the deadline. This section also requires the participating agency, Indian tribe, or non-Federal interest that has failed to meet a deadline to prepare a report explaining the reasons for the failure and what remedial actions will be taken. This report is to be submitted to the Secretary, the Committee, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality.

Under the National Environmental Policy Act of 1969 (NEPA), the Corps of Engineers is the lead Federal agency for the water resources projects that it carries out. As such, the Corps of Engineers is responsible for defining the purpose and need for the proposed water resources project and for determining which alternatives for carrying out the project are reasonable and may be reasonably anticipated to meet project purposes and needs. As the lead Federal agency, the Corps of Engineers also has authority under the NEPA regulations issued by the Council on Environmental Quality to bring other Federal agencies with jurisdiction over the project into the project development process early, to resolve issues and disputes in a timely fashion. Unfortunately, the Corps of Engineers does not regularly use this authority and other Federal agencies often do not raise objections until a project study is nearly complete, leading to delay if the objections must be addressed through reformulation of the project. The Committee intends that the authority under this section to develop a coordinated review process for water resources projects be carried out in a fashion that is consistent with these NEPA authorities. Nothing in this section preempts or interferes with any obligation of the Corps of Engineers to comply with NEPA or the CEQ regulations implementing NEPA, or any other practice of seeking public comment, or any other power, jurisdiction, or authority with respect to carrying out a water resources project.

Finally, this section directs the Chief of Engineers to establish benchmarks for determining the length of time it should take to complete various elements of a feasibility study. The Committee recognizes that not all projects are uniform and studies may take varying lengths of time, depending on the scope and complexity. At the same time, much of what the Corps of Engineers does is not novel, and each project should not be developed as a completely new endeavor, as if no similar project had ever been developed before. Benchmarks established under this section are not binding,

but should be used as a management tool to encourage efficiency at all Corps districts.

*Section 2026. Lakes program*

Adds the following lakes to the list of lakes at which the Secretary is authorized to carry out programs for the removal of silt and other material under Section 602 of the Water Resources Development Act of 1986.

- (1) Kinkaid Lake, Jackson County, Illinois.
- (2) McCarter Pond, Borough of Fairhaven, New Jersey.
- (3) Rogers Pond, Franklin Township, New Jersey.
- (4) Greenwood Lake, New York and New Jersey.
- (5) Lake Rogers, Creedmoor, North Carolina.
- (6) Lake Luxembourg, Pennsylvania.

*Section 2027. Mitigation for fish and wildlife losses*

This section amends section 906(d) of the Water Resources Development Act of 1986 to identify the elements to be included in the specific mitigation plan that already is required under that section. The specific mitigation plan must include a description of the physical action to be undertaken. The plan also must include a description of the lands or interests in lands to be acquired for mitigation, and the basis for a determination that such lands are available. This description is not intended to be a description of the specific property interests. The Committee expects the mitigation plan to identify the quantity and type of lands needed, and include a determination that lands of such quantity and type are available for acquisition. The plan also must include the type, amount, and characteristics of the habitat to be restored. The plan must include success criteria based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics. Finally, if monitoring is necessary to determination success of the mitigation, the plan must include a plan for monitoring and to the extent practicable, identification of the entities responsible for monitoring. As monitoring is part of operation and maintenance of a project, in most cases the entity responsible for any monitoring will be the non-Federal sponsor. If such person is not identifiable at the time the mitigation plan is prepared under this section, such person must be identified in the partnership agreement entered into with the non-Federal interest.

The Committee supports more specificity in Corps reporting documents concerning expected mitigation efforts. Such increased specificity will better inform the Congress, the non-Federal sponsor, and the public as to planned mitigation efforts and the likely success of these efforts. This section also directs the Secretary to submit to Congress a report on the status of mitigation concurrent with the submission of reports on the status of project construction, as part of the President's budget submission.

*Section 2028. Cooperative agreements*

Authorizes the Secretary to enter into cooperative agreements with nonprofit organizations to carry out wetlands restoration at authorized projects, limited to \$1 million per project and \$5 million per year.

*Section 2029. Project planning*

Subsection (a) of this section establishes the Federal objective for economic, ecosystem restoration, and multi-purpose projects. For economic projects (flood control, navigation, and hurricane and storm damage reduction) the Federal objective is to maximize net national economic development benefits, consistent with protecting the Nation's environment. This objective is consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, issued by the Water Resources Council in 1983.

For ecosystem restoration projects the Federal objective is to maximize net national ecosystem restoration benefits associated with the project, consistent with net national economic development. This objective is consistent with existing Corps policy for identifying a National Ecosystem Restoration (NER) plan. The requirement that an NER plan be consistent with net National economic development does not change existing law under which the costs of ecosystem restoration are deemed to be equal to the benefits. Rather, this subsection codifies existing policy that requires the Corps of Engineers to develop NER plans that are cost-effective and justified incrementally such that additional increments added to the plan increase the non-monetary values gained.

For multi-purpose projects, each purpose shall be evaluated based on the relevant Federal objective, with the economic element meeting the objective for economic projects and the ecosystem restoration element meeting the objective for ecosystem restoration projects.

Subsection (a) also authorizes the Secretary to select project alternatives that do not maximize net benefits associated with the primary project purpose if there is an overriding reason based on other Federal, State, local or international concerns. This flexibility also is found in the Principles and Guidelines; however, the Secretary rarely uses it. To encourage consideration of project alternatives that are feasible but may not maximize net benefits, this subsection specifically authorizes the Secretary to select an alternative for an economic project that the Secretary determines, and the non-Federal interest agrees, provides greater ecosystem restoration benefits. Similarly, this subsection specifically authorizes the Secretary to select an alternative for an ecosystem restoration project that the Secretary determines, and the non-Federal interest agrees, provides greater economic development benefits.

Subsection (b) of this section authorizes the Secretary to study and identify additional benefits when formulating a water resources project beyond the primary project purpose. However, the scope of the study must still be consistent with the study authorization. In addition, the Secretary must obtain the willing participation of a cost-sharing non-Federal interest both for the expanded study, as well as any construction, if a separable project or project element is subsequently authorized. The Secretary may not require a non-Federal interest to participate as a cost-sharing partner in the study or construction of a separable project or project element as a condition of participation in a water resources project.

Subsection (c) directs the Secretary to calculate residual flood risks and upstream or downstream impacts when studying a project for flood damage reduction, and requires equitable treat-

ment of structural and nonstructural alternatives. This subsection also directs the Secretary to ensure that there is no bias when evaluating structural and nonstructural alternatives.

*Section 2030. Independent peer review*

The Committee has considered carefully the views of interested parties on the application of peer review to Corps of Engineers studies and projects. There have been many calls for independent peer review as a means of ensuring that Federal agency decision-making is based on sound science and economics. These recommendations have been developed by agencies themselves, by scientific organizations such as the National Academy of Sciences, and by interest groups. In addition, the Office of Management and Budget recently has placed an increased emphasis on peer review.

On March 5, 2003, the Subcommittee on Water Resources and Environment held a hearing on "Independent Peer Review of Products that Support Agency Decision-Making." The Subcommittee received testimony from the U.S. Environmental Protection Agency, the Department of the Interior, the U.S. Army Corps of Engineers, a representative of the National Research Council, a representative of waterways users (MARC 2000), a representative of the American Enterprise Institute, a representative of American Rivers, and a representative of a consulting group that conducts peer reviews. This testimony disclosed that Federal agencies conduct peer reviews in different ways and view it as a useful tool appropriate for some, but not all circumstances. The testimony from other stakeholders disclosed divergent views over whether peer reviews of Corps of Engineers studies would be beneficial or harmful to the process of developing water resources projects and how such reviews should be carried out.

As a result, the Committee has proceeded cautiously on the issue of peer review of Corps of Engineers studies and has established in this section a peer review process that will apply to certain studies that are initiated within 4 years after the date of enactment of this section, as well as certain ongoing studies that are early in the study process. After four and a half years, the Chief of Engineers must submit a report to Congress on the experience with peer reviews under this section. This report will allow the Committee to evaluate the merits of peer review based on actual information and experience and determination if additional legislative action should be taken.

Under the peer review process established under this section, the Chief of Engineers must subject a project study to independent peer review if the project has an estimated total cost of more than \$50,000,000, at the time of the completion of the reconnaissance study. Some stakeholders have expressed concern that a monetary threshold is an arbitrary basis for determining what studies would benefit from peer review and could create additional delays and costs by subjecting to peer review studies that are routine or otherwise non-controversial. Based on previous authorizations, the \$50,000,000 cost threshold may include as many as 30% of project studies. However, a far smaller percentage of studies have been controversial, and even fewer studies have been found to have significant problems.

To address these concerns, this section authorizes the Chief of Engineers to exempt certain studies from review. Specifically, the Chief of Engineers may exclude a study from review if the Chief determines that the study is for a project that is not controversial; has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources; has no substantial adverse impacts on fish and wildlife species and their habitat prior to implementation of mitigation measures; and has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973, or the critical habitat of such species. By using the adjective “substantial” for determining the scope of the adverse impact on fish and wildlife species, the Committee intends to establish a threshold that is higher than the existing threshold of “significant” impact used under the al Environmental Policy Act of 1969 for determining whether an environmental impact statement is necessary. By using the phrase “more than a negligible adverse impact” for determining the scope of the impact on an endangered species, the Committee intends to establish a threshold that is higher than the existing threshold of “likely affect” used under section 7 of the Endangered Species Act of 1973 to trigger consultation. In addition, all studies for projects pursued under one of the Corps of Engineers’ continuing authorities may be excluded from peer review.

Other stakeholders have expressed concern that a monetary threshold may exclude a study from review that is below the cost threshold, but may benefit from a peer review. To address this issue, the Chief retains the discretion to subject any study to independent peer review that the Chief determines is controversial. In addition, the Governor of a State that would be affected by a project, and the head of a Federal or State agency that determines the project is likely to have a significant adverse impact on environmental, cultural, or other resources within the jurisdiction of the agency after the implementation of mitigation, may request that a project study be subject to peer review by an independent panel. A decision by the Chief of Engineers whether to agree to a request to peer review a study may be appealed to the Secretary of the Army.

The Committee heard concerns from some stakeholders that peer reviews could have the unintended consequence of delaying a project study, because of the time needed to address any concerns raised by reviewers. To address this matter, this section gives the Chief of Engineers substantial discretion regarding when during the course of a study a peer review should take place. The Chief may initiate the peer review at any time following completion of the reconnaissance study for the project. As a result, a peer review under this section may be a review of the models and methods to be used to evaluate project alternatives, rather than a review of a completed analysis. If problems are discovered at this stage of the study, they may be corrected before significant time and resources are expended using flawed models or methods to analyze project alternatives.

Generally, a review shall take no longer than 180 days and shall not exceed \$500,000, but the Chief is given the discretion to allow a longer period of time for the review and to waive the cost limita-

tion. If a study is subject to review, and no review has yet taken place when one of the following milestones is reached, the Chief must consider whether to initiate the peer review at that time: (1) when the Corps identifies the conditions that will occur if the project is not built (the without project conditions), (2) when the array of alternatives to be considered is identified, and (3) when the preferred alternative is identified. If a review has already been initiated when one of these milestones is reached, the Chief has no obligation to consider any additional peer review although the Chief may choose to do so. No matter when it is initiated, in all cases a peer review under this section must be completed no later than 90 days after the date a draft study is made available for public review.

Under this section a peer review panel must be established by the National Academy of Sciences, a similar independent scientific technical advisory organization, or a non-profit organization that is free from conflicts of interest and has experience in establishing and administering peer review panels, pursuant to a contract with the Chief of Engineers. The members of the panels must be independent, free from conflict of interest, and must represent a balance of expertise suitable for the review being conducted.

A panel shall review a study for technical and scientific sufficiency and, consistent with the scope of the referral for review and the stage of the study at which the review takes place, shall assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used in the study. The panel must provide timely written and oral comments, as requested, and must submit a report to the Chief of Engineers at the conclusion of the peer review. The Chief of Engineers must respond to the peer review report and both the report and the Chief's response must be made available to the public and transmitted to Congress.

With this section, the Committee intends to provide the Chief of Engineers with a tool that will improve the Corps' planning process and result in a greater number of successful water resources projects. The Committee does not intend peer review to be used as a tool to delay or halt projects.

#### *Section 2031. Training funds*

Authorizes the Secretary to allow persons not employed by the Corps of Engineers to participate in training courses offered by the Corps of Engineers on a cost reimbursable basis.

#### *Section 2032. Access to water resource data*

Directs the Secretary to provide better public access to water resource and water quality data and authorizes \$5 million a year to carry out the program.

#### *Section 2033. Shore protection projects*

Establishes a policy to promote beach nourishment to prevent storm damage reduction and directs the Secretary to give preference for shore protection projects where there has already been Federal investment in storm damage reduction or a need for mitigation of impacts from other Federal activities.

*Section 2034. Ability to pay*

This section amends section 103(m)(2) of the Water Resources Development Act of 1986 to direct the Secretary to issue, by August 31, 2005, updated criteria for reducing the non-Federal share of a project cost based on the inability of the non-Federal interest to pay. The Committee notes that section 202 of the Water Resources Development Act of 1996 changed the non-Federal share of the cost of flood damage reduction projects from 25% to 35%. But, to address adverse effects on disadvantaged communities, that section also directed the Secretary to change its criteria for reducing a non-Federal cost share based on an inability to pay within one year. The statement of managers accompanying the Conference Report for the Water Resources Development Act of 1996 stated, "It is essential that prudent, yet meaningful ability-to-pay procedures be implemented. This is especially important in light of the increase in the non-Federal share of project costs for future project authorizations that is provided for in section 202." Over eight years have passed, and the Secretary still has not met this obligation. The Committee is now providing until August 31, 2005, to issue new criteria.

This section directs the Secretary to apply updated ability-to-pay criteria to the following projects:

- (1) St. Johns Bayou and New Madrid Floodway, Missouri.
- (2) Lower Rio Grande Basin, Texas.
- (3) West Virginia and Pennsylvania flood control projects under section 581 of the Water Resources Development Act of 1996.

*Section 2035. Aquatic ecosystem restoration*

Amends section 206 of the Water Resources Development Act of 1996 to increase the annual authorization for Federal participation in aquatic ecosystem restoration projects from \$25,000,000 to \$40,000,000. The Committee notes that the Appropriations Committee has not appropriated the full \$25 million that is currently authorized to be appropriated each year. In years that the Corps has spent more than \$25 million, it has done so through the reprogramming of funds. Nonetheless, the Committee is aware of a large demand for small ecosystem restoration projects and, is providing increased authority.

*Section 2036. Small flood damage reduction projects*

Amends section 205 of the Flood Control Act of 1948 to increase the annual authorization for Federal participation in small flood damage reduction projects from \$50,000,000 to \$60,000,000. As with section 206 projects, the Committee notes that the Appropriations Committee has not appropriated the full \$50 million that is currently authorized to be appropriated each year. However, the Committee is aware of a large demand for small flood control projects and, is providing increased authority.

The Committee did not increase the annual authorization of appropriations for other continuing authority programs. The annual appropriations for continuing authorities other than the section 206 and section 205 programs have not even come close to their existing authorization ceilings. In addition, the demand for new projects under other continuing authority programs is less. The Corps of

Engineers does have a backlog of ongoing projects under section 1135 of the Water Resources Development Act of 1986 that it must manage, but the Committee has not seen a large demand for new section 1135 projects.

*Section 2037. Leasing authority*

Amends section 4 of the Flood Control Act of 1944 to add Indian tribes to the list of entities afforded priority by the Corps of Engineers when leasing Corps property.

*Section 2038. Cost estimates*

Clarifies that estimates of Federal and non-Federal costs are informational only and do not affect cost sharing responsibilities established by law.

The Committee is concerned that the offices of the Secretary and the Chief of Engineers have been misinterpreting the effect of legislation stating the estimated Federal and non-Federal costs of authorized projects. For certain projects, the Committee is informed that the Administration interprets that information as affecting the cost sharing requirements associated with the specific project. That interpretation is not correct.

The Federal and non-Federal responsibilities for cost sharing for Corps of Engineers projects are as stated in sections 101, 102, and 103 of the Water Resources Development Act of 1986, including amendments to that Act, unless expressly superseded by law for a specific project. In authorizing a Corps of Engineers project, the Congress includes a total cost that both serves as an authorization of appropriations and provides a maximum project cost to which section 902 of the Water Resources Development Act of 1986 applies. The listing of the estimated Federal and non-Federal costs are for informational purposes only, have no substantive effect, and should never be interpreted as affecting the cost-sharing requirements applicable to the project based on project purposes.

In the Statement of Managers accompanying the conference report for the Water Resources Development Act of 1986, the managers stated that the “cost figures have been updated to reflect the most current information available.” The managers also acknowledged that because the stated estimate of Federal costs includes cost to be repaid over time, “[i]n many cases, the actual Federal share of costs may be somewhat lower than the share reflected in the costs shown in the bill.” The only cost number that has substantive effect is the total cost, and that number has substantive effect because of the application of section 902, Maximum Cost of Projects.

Interpreting the stated estimates of the Federal and non-Federal share as having a substantive effect on the cost-sharing requirements of law would be inconsistent with the fixed requirements established in the 1986 Act and its subsequent amendments.

*Section 2039. Studies and reports for water resources projects*

Amends section 905 of the Water Resources Development Act of 1986 to clarify the type of reports required for projects that must be submitted to Congress for authorization and projects that are not submitted to Congress for authorization, and the cost sharing associated with such reports.

*Section 2040. Fiscal transparency report*

Requires the Chief of Engineers to submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives annually a report on the expenditures for the preceding fiscal year and current fiscal year, and the expenditures necessary to maintain the same level of effort in the following fiscal year. This report will include information on all ongoing projects, not just those requested by the President. The Committee believes that management of the civil works program by both the Corps of Engineers and Congress will improve if ongoing financial commitments of the Corps of Engineers are made completely transparent.

TITLE III—PROJECT-RELATED PROVISIONS

*Section 3001. King Cove Harbor, Alaska*

Provides that the maximum Federal expenditure for the King Cove Harbor navigation project shall be \$8,000,000.

*Section 3002. St. Paul Harbor, St. Paul Island, Alaska*

Clarifies that all elements of the project for St. Paul Harbor, St. Paul Island, Alaska are inseparable elements of a single project and restates the non-Federal cost share established for this project, based on existing authorizations.

*Section 3003. Sitka, Alaska*

Modifies the Thompson Harbor, Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, to direct the Secretary to correct design deficiencies at a total Federal cost of \$6,300,000.

*Section 3004. Tatitlek, Alaska*

Provides that the maximum Federal expenditure for the Tatitlek navigation project shall be \$10,000,000.

*Section 3005. Grand Prairie Region and Bayou Meto Basin, Arkansas*

Directs the Secretary to review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, to determine if the project is feasible.

*Section 3006. Osceola Harbor, Arkansas*

Modifies the project for navigation, Osceola Harbor, Arkansas, to allow non-federal participants to construct a mooring facility within the confines of the navigation project. The Secretary is to maintain the general navigation features of the project at a bottom width of 250 feet.

*Section 3007. Pine Mountain Dam, Arkansas*

Modifies the project for flood control, Lee Creek, Arkansas and Oklahoma, to add environmental restoration as a project purpose and to direct the Secretary to finance the non-Federal share of the cost over a 30-year period in accordance with section 103 of the Water Resources Development Act of 1986.

*Section 3008. Saint Francis Basin, Arkansas*

Modifies the project for flood control, Saint Francis Basin, Missouri and Arkansas, to authorize the Secretary to construct improvements constituting a culvert through the levee.

*Section 3009. American River Watershed, California*

Modifies the project for flood damage reduction, American River Watershed, California, to clarify that the without project conditions are those in place at the time the project was developed and recommended for authorization and to prevent the Corps of Engineers from changing the allocation of costs between dam safety and flood damage reduction.

*Section 3010. Compton Creek, California*

Modifies the project for flood control, Los Angeles Drainage Areas, California, to add environmental restoration and recreation as a project purpose.

*Section 3011. Grayson Creek / Murderer's Creek, California*

Modifies the project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest before the project cooperation agreement is signed, if an integral part of the project. Also allows the Secretary to consider National ecosystem restoration benefits when determining whether the project is justified.

*Section 3012. Hamilton Airfield, California*

Modifies the project for environmental restoration, Hamilton Airfield, California, to include Bel Marin Keys, Unit V in accordance with the Report of the Chief of Engineers dated July 19, 2004. As modified, the total cost of the project is now \$205,226,000. Implementation of Bel Marin Keys, Unit V, will produce 526 average annual habitat units, bringing the total for both project components to 866 average annual habitat units. The modified project also will provide annual economic benefits of \$568,000 for recreation use and will provide disposal capacity for 24.4 million cubic yards of dredged material. The estimated total average annual cost of the new, expanded, project is \$15,335,000, applying a discount rate of 5.375, over a 50-year project life.

*Section 3013. John F. Baldwin Ship Channel and Stockton Ship Channel, California*

Modifies the project for navigation, John F. Baldwin Ship Channel and Stockton Ship Channel, California, to allow the non-Federal share of the cost of the project to be provided in the form of in-kind services and to direct the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest, if an integral part of the project.

*Section 3014. Kaweah River, California*

Modifies the project for flood control, Terminus Dam, Kaweah River, California, to direct the Secretary to provide credit for or reimbursement of the non-Federal share of the cost of the project, not to exceed \$800,000, for costs of work performed by the non-Federal

interests on or after the date of the project partnership agreement if the Secretary determines the work to be integral to the project.

*Section 3015. Larkspur Ferry Channel, Larkspur, California*

Modifies the project for navigation, Larkspur Ferry Channel, California, to direct the Secretary to prepare a reevaluation report to determine whether or not maintenance of the project is justified, and carry out such maintenance, if justified.

*Section 3016. Llagas Creek, California*

Modifies the project for flood damage reduction, Llagas Creek, California, to authorize the Secretary to carry out a project at a total cost of \$105,000,000.

*Section 3017. Los Angeles Harbor, California*

Modifies the project for navigation, Los Angeles Harbor, Los Angeles, California, to authorize the Secretary to carry out the project at a total cost of \$222,000,000.

*Section 3018. Magpie Creek, California*

Modifies the project for flood control, Magpie Creek, California, to direct the Secretary to apply the cost-sharing applicable to non-structural projects, in accordance with section 103(b) of the Water Resources Development Act of 1986, to the non-structural portion of the project. This section also directs the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning and design work carried out by the non-Federal interest before the project partnership agreement if the Secretary determines the work to be integral to the project.

*Section 3019. Pacific Flyway Center, Sacramento, California*

Modifies the project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, to authorize the Secretary to expend \$2,000,000 to enhance public access to the project.

*Section 3020. Pinole Creek, California*

Modifies the project for improvement of the quality of the environment, Pinole Creek Phase I, California, to direct the Secretary to provide credit for work performed by the non-Federal interests, if an integral part of the project.

*Section 3021. Prado Dam, California*

Ensures that the agreement between the Corps of Engineers and the Orange County Water District, which requires the District to pay specific costs associated with operating and maintaining Prado Dam for seasonal water conservation, shall remain in effect after reconfiguration of the Dam for volumes of water up to the maximum amount provided for water conservation prior to the reconfiguration of the Dam.

*Section 3022. Sacramento and American Rivers Flood Control, California*

Directs the Secretary to determine the amount paid by the Sacramento Area Flood Control Agency (SAFCA) towards the Federal share of the Natomas levee flood damage reduction project, and to

credit those excess payments against the non-Federal share of authorized flood damage reduction projects for which SAFCA is the non-Federal interest.

*Section 3023. Sacramento Deep Water Ship Channel, California*

Modifies the project for navigation, Sacramento Deep Water Ship Channel, California, to direct the Secretary to provide credit for work performed by the non-Federal interests before the date of the partnership agreement, if an integral part of the project.

*Section 3024. Sacramento River, Glenn-Colusa, California*

Modifies the project for flood control, Sacramento River, Glenn-Colusa, California, to direct the Secretary to provide the non-Federal interest a credit of up to \$4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest, if integral to the project.

*Section 3025. Santa Cruz Harbor, California*

Modifies the project for navigation, Santa Cruz Harbor, California, to direct the Secretary to renegotiate the memorandum of agreement with the non-federal interest to increase the annual payment to reflect the updated cost of operation and maintenance that is the Federal and non-Federal share as provided by law.

*Section 3026. Seven Oaks Dam, California*

Modifies the project for flood control, Santa Ana Mainstem to direct the Secretary to conduct a study for the reallocation of water storage at the Seven Oaks Dam, California, for water conservation.

*Section 3027. Upper Guadalupe River, California*

Modifies the project for flood damage reduction and recreation, Upper Guadalupe River, California, to ensure that the project is carried out as authorized by Congress.

*Section 3028. Walnut Creek Channel, California*

Modifies the project for aquatic ecosystem restoration, Walnut Creek Channel, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project, and to authorize the Secretary to consider National ecosystem restoration benefits in determining the Federal interest.

*Section 3029. Wildcat/San Pablo Creek Phase I, California*

Modifies the project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 3030. Wildcat/San Pablo Creek Phase II, California*

Modifies the project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project, and to authorize the Secretary to consider National ecosystem restoration benefits in determining the Federal interest.

*Section 3031. Yuba River Basin Project, California*

Modifies the project for flood damage reduction, Yuba River Basin, California, to increase the authorization for construction to \$107,700,000, and to credit towards the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement, if integral to the project.

*Section 3032. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland*

Modifies the project for navigation, Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, to direct the Secretary to add recreation as a project purpose.

*Section 3033. Brevard County, Florida*

Modifies the project for shoreline protection, Brevard County, Florida, to establish the reach of the project, correcting an error in the report of the Chief of Engineers for this project. This section also directs the Secretary to expedite a report identifying the level of damage to the project caused by a Federal navigation project, and to authorize credit for costs incurred by the non-Federal interest to respond to such damages.

*Section 3034. Broward County and Hillsboro Inlet, Florida*

Modifies the project for shore protection, Broward County and Hillsboro Inlet, Florida, to direct the Secretary to provide credit for the removal of derelict structures carried out by the non-Federal interest, if integral to the project.

*Section 3035. Canaveral Harbor, Florida*

Authorizes the Secretary to construct a sediment trap in carrying out a project for navigation, Canaveral Harbor, Florida.

*Section 3036. Gasparilla and Estero Islands, Florida*

Amends the project for shore protection, Gasparilla and Estero Islands, Florida, to authorize credit for the cost of work performed by the non-Federal interest that is integral to the project.

*Section 3037. Jacksonville Harbor, Florida*

Amends the project for navigation, Jacksonville Harbor, Florida to authorize the Secretary to expand the size of the project, and increase the authorization ceiling to \$14,658,000 in accordance with the Report of the Chief of Engineers dated July 22, 2003. In addition, the Secretary is directed to determine the non-Federal share of the cost of preparing the general reevaluation report for this project based on construction cost-sharing. As a general rule, made express in section 2039 of this bill, cost-sharing for all studies should be 50%. However, in this case, the Jacksonville District made erroneous commitments to the non-Federal interest that the non-Federal interest relied upon to its detriment, and subsections (b) and (c) of this section ensure that those commitments are met. In the future, the Committee expects the Jacksonville District to apply correct cost-sharing to project studies.

*Section 3038. Lido Key Beach, Sarasota, Florida*

Amends the project for shore protection, Lido Key Beach, Sarasota, Florida, to increase the authorization ceiling to \$14,809,000. This section also directs the Secretary to allow the non-Federal interest to construct the project in accordance with section 206 of the Water Resources Development Act of 1992.

*Section 3039. Miami Harbor, Florida*

Authorizes the project for navigation, Miami Harbor Channel, Florida and modifies section 315 of the Water Resources Development Act of 1999, to include as project purpose mitigation for dredging outside the authorized channel. The Secretary is directed to provide credit for the cost of work performed by the non-Federal interest, if integral to the project.

*Section 3040. Peanut Island, Florida*

Authorizes the Secretary to construct the project for improvement of the quality of environment, Peanut Island, Florida, at a total Federal cost of \$9,750,000.

*Section 3041. Tampa Harbor-Big Bend Channel, Florida*

Modifies the project for navigation, Tampa Harbor-Big Bend Channel, Florida, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 3042. Tampa Harbor Cut B, Florida*

Modifies the project for navigation, Tampa Harbor-Cut B, Florida, to authorize the Secretary to construct passing lanes if such improvements are necessary for navigation safety. In addition, the Secretary is directed to determine the non-Federal share of the cost of preparing the general reevaluation report for this project based on construction cost-sharing. As a general rule, made express in section 2039 of this bill, cost-sharing for all studies should be 50%. However, in this case, the Jacksonville District made erroneous commitments to the non-Federal interest that the non-Federal interest relied upon to its detriment, and subsections (b) and (c) ensure that those commitments are met. In the future, the Committee expects the Jacksonville District to apply correct cost-sharing to project studies.

*Section 3043. Allatoona Lake, Georgia*

Authorizes the Secretary to participate in a land exchange at Allatoona Lake, Georgia, with willing sellers at fair market value for lands needed for wildlife management and protection of water quality.

*Section 3044. Latham River, Glynn County, Georgia*

Authorizes the Secretary to construct the project for improvement of the quality of environment, Latham River, Glynn County, Georgia, under section 1135 of the Water Resources Development Act of 1986 at a total Federal cost of \$6,175,000.

*Section 3045. Dworshak Dam and Reservoir Improvements, Idaho*

Authorizes the Secretary to carry out improvements for recreation facilities at Dworshak Dam and Reservoir, North Fork, Clearwater River, Idaho, to accommodate lower pool levels.

*Section 3046. Beardstown Community Boat Harbor, Beardstown, Illinois*

Modifies the project for navigation, Muscooten Bay, Illinois River, Beardstown, Illinois, to direct the Secretary to enter into a partnership agreement with the City of Beardstown Community Park District to change the identity of the non-Federal sponsor and, upon execution of the new partnership agreement, to authorize the Secretary to dredge the navigation channel annually.

*Section 3047. Cache River Levee, Illinois*

Modifies the Cache River Levee portion of the project for flood control, Cache River, Illinois, to add environmental restoration as a project purpose.

*Section 3048. Chicago River, Illinois*

Modifies the width of the project for navigation, North Branch Canal portion of the Chicago River, Illinois, from 100 feet downstream of Halsted Street to 100 feet upstream of Division Street Bridge, to be no wider than 66 feet.

*Section 3049. Chicago Sanitary and Ship Canal, Illinois*

Directs the Secretary to upgrade and make permanent an existing dispersal barrier to prevent the migration of Asian Carp from the Chicago Sanitary and Ship Canal to Lake Michigan, at Federal expense. Provides that operation and maintenance of both the existing dispersal barrier and the new dispersal barrier currently under construction be a Federal responsibility. Directs the Secretary to conduct a study of the feasibility of options and technologies to prevent the spread of aquatic species between the Great Lakes and the Mississippi River Basin through the Chicago Sanitary and Ship Canal and other pathways.

*Section 3050. Emiquon, Illinois*

Increases the authorization for Federal participation in the project for aquatic ecosystem restoration, being carried out under section 206 of the Water Resources Development Act of 1996, to \$7,500,000. Ensures that nothing affects the eligibility of the project for emergency repairs.

*Section 3051. LaSalle, Illinois*

Directs the Secretary to give priority to environmental dredging in the vicinity of LaSalle, Illinois, on the Illinois and Michigan Canal.

*Section 3052. Spunky Bottoms, Illinois*

Modifies the project for flood control, Spunky Bottoms, Illinois, to add environmental restoration as a project purpose; increase the authorized Federal participation in the cost of the project for the improvement of the environment being carried out under section 1135 of the Water Resources Development Act of 1986 to

\$7,500,000; and provide that these changes do not affect eligibility of the project for emergency repairs.

*Section 3053. Fort Wayne and Vicinity, Indiana*

Modifies the project for flood control, Fort Wayne, St. Mary's and Maumee Rivers, Indiana, to direct the Secretary to provide a 100-year flood protection at the Berry-Thieme, Park-Thompson, Woodhurst, and Tillman sites along the St. Mary's River, Fort Wayne and vicinity, at a total cost of \$5,300,000. Also allows the non-Federal interest to increase its participation in the project, in accordance with section 903(c) of the Water Resources Development Act of 1986, if necessary to implement the project.

*Section 3054. Koontz Lake, Indiana*

Modifies the project for aquatic ecosystem restoration, Koontz Lake, Indiana, to direct the Secretary to seek to reduce the cost of the project by using innovative technologies and other cost reduction measures.

*Section 3055. Little Calumet River, Indiana*

Modifies the project for flood control, Little Calumet River, Indiana, to authorize the Secretary to complete the project in accordance with the post authorization change report dated August 2000, at a total cost of \$198,000,000.

*Section 3056. White River, Indiana*

Modifies the project for flood control, Indianapolis on the West Fork of White River, Indiana, to authorize the Secretary to carry out the Fall Creek Reach feature, at a total cost of \$28,545,000, and to provide credit for work carried out by the non-Federal interest, if integral to the project.

*Section 3057. Des Moines River and Greenbelt, Iowa*

Modifies the Des Moines Recreational River and Greenbelt, Iowa, project to include public access and enhanced recreation, at a Federal cost of \$3,000,000.

*Section 3058. Prestonsburg, Kentucky*

Directs the Secretary to provide 100-year level of flood protection for the city of Prestonsburg at the Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland River, West Virginia, Virginia, and Kentucky.

*Section 3059. Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed*

Modifies the project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, to direct the Secretary to carry out the project with cost-sharing in accordance with section 103(a) of the Water Resources Development Act of 1986, as in effect on October 11, 1996. This section also increases the authorization for the project to \$178,000,000, and directs the Secretary to provide credit for work carried out by the non-Federal interest, if integral to the project.

*Section 3060. Atchafalaya Basin, Louisiana*

Modifies the Atchafalaya Basin Floodway System project to authorize the Secretary to construct a Type A Regional Visitor Center.

*Section 3061. Bayou Plaquemine, Louisiana*

Modifies the project for the quality of the environment, Bayou Plaquemine, Louisiana, to direct the Secretary to provide credit for work performed by the non-Federal interests before the project cooperation agreement, if an integral part of the project.

*Section 3062. Atchafalaya Basin Floodway System, Louisiana*

Modifies the public access feature of the Atchafalaya Basin Floodway System project to authorize the Secretary to purchase an additional 20,000 acres of land from willing sellers at a total cost of \$4,000,000.

*Section 3063. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana*

Modifies the project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, to authorize the purchase and reforestation of lands, which have been cleared or converted to agricultural uses and to incorporate current wildlife and forestry management measures.

*Section 3064. Mississippi Delta Region, Louisiana*

Modifies the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, to direct the Secretary to provide credit for costs incurred in relocating oyster beds in the Davis Pond project area, if integral to the project.

*Section 3065. New Orleans to Venice, Louisiana*

Authorizes the Secretary to carry out work on the St. Jude to City Price, Upper Reach A back levee, at a 70% Federal cost share, consistent with the rest of the project.

*Section 3066. West Bank of the Mississippi River (East of Harvey Canal), Louisiana*

Makes technical corrections to the Water Resources Development Act of 1999 modification of the project to prevent flood damage-hurricane damage reduction, West Bank of the Mississippi River (East of Harvey Canal), Louisiana.

*Section 3067. Camp Ellis, Saco, Maine*

Increases the authorization of Federal funds for the project being carried out under section 111 of the River and Harbor Act of 1968 to \$25,000,000.

*Section 3068. Union River, Maine*

Modifies the project for navigation, Union River, Maine, to redesignate a portion of the navigation channel as an anchorage area.

*Section 3069. Gwynns Falls Watershed, Baltimore, Maryland*

Directs the Secretary to carry out the project for ecosystem restoration, Gwynns Falls Watershed, Maryland in accordance with

the April 2004 Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study-Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the City of Baltimore, Maryland. This report shall be considered consistent with and in compliance with the consent decree entered into between the United States and the city of Baltimore on April 26, 2002.

*Section 3070. Boston Harbor, Massachusetts*

Prohibits the expenditure of funds for the dredging of Chelsea Creek until the City of Boston and the U.S. Coast Guard complete the replacement of the Chelsea Street Bridge.

*Section 3071. Detroit River Shoreline, Detroit, Michigan*

Modifies the project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, to include measures to enhance public access at a maximum Federal expenditure of \$3,000,000.

*Section 3072. St. Joseph Harbor, Michigan*

Directs the Secretary to expedite development of a dredged material management plan for the project for navigation, St. Joseph Harbor, Michigan.

*Section 3073. Sault Sainte Marie, Michigan*

Directs the Secretary to construct, at Federal expense, a second lock at Sault Sainte Marie, Michigan, of the same dimensions as the existing lock, in accordance with a limited reevaluation report dated February 2004, at a total cost of \$341,714,000.

*Section 3074. Ada, Minnesota*

Modifies the project for flood damage reduction, Wild Rice River, Minnesota, to authorize the Secretary to consider National ecosystem restoration benefits; to exclude consideration of an emergency levee as a pre-project condition and to allow the local sponsor to contribute a larger non-Federal share under section 903(c) of the Water Resources Development Act of 1986, if necessary to implement the project.

*Section 3075. Duluth Harbor, McQuade Road, Minnesota*

Modifies the project for navigation, Duluth Harbor, McQuade Road, Minnesota, to authorize the Secretary to provide access and recreational facilities as described in the Detailed Project Report and Environmental Assessment dated August 1999, at a maximum Federal cost of \$5,000,000. Also directs the Secretary to provide credit for work performed by the non-Federal interest before the date of the partnership agreement for the project, if integral to the project.

*Section 3076. Grand Portage Harbor, Minnesota*

Directs the Secretary to provide the non-Federal interest credit toward the non-Federal share of the cost of the project for work the Secretary determines is integral to the project.

*Section 3077. Granite Falls, Minnesota*

Modifies the project for flood damage reduction, Granite Falls, Minnesota, to increase the maximum Federal expenditure to \$8,000,000; authorize the non-Federal interest to contribute a larger share, to the extent necessary to implement the project; and authorize credit toward the non-Federal share for work carried out by the non-Federal interest that the Secretary determines is integral to the project.

*Section 3078. Knife River Harbor, Minnesota*

Directs the Secretary to develop a final design and prepare a plan to correct conditions at the Knife River Harbor, Minnesota.

*Section 3079. Red Lake River, Minnesota*

Modifies the project for flood damage reduction, Red Lake River, Minnesota, to increase the project authorization to \$17,000,000.

*Section 3080. Silver Bay, Minnesota*

Modifies the project for navigation, Silver Bay, Minnesota, to include operation and maintenance of the general navigation facilities as a Federal responsibility.

*Section 3081. Taconite Harbor, Minnesota*

Modifies the project for navigation, Taconite Harbor, Minnesota, to include operation and maintenance of the general navigation facilities as a Federal responsibility.

*Section 3082. Two Harbors, Minnesota*

Modifies the project for navigation, Two Harbors, Minnesota, to include construction of a dredged material disposal facility at a Federal cost not to exceed \$5,000,000.

*Section 3083. Deer Island, Harrison County, Mississippi*

Modifies the project for aquatic ecosystem restoration, Deer Island, Mississippi, to authorize the non-Federal share to be provided in the form of in-kind contributions.

*Section 3084. Pearl River Basin, Mississippi*

Directs the Secretary to recommend the locally preferred plan for a project for flood damage reduction, Pearl River Basin, if the locally preferred plan provides equal or greater flood damage reduction benefits, but to establish the Federal share of the project based on the Federal share of the plan that maximizes National economic development benefits.

*Section 3085. Festus and Crystal City, Missouri*

Amends section 102(b) of the Water Resources Development Act of 1999 to increase the authorization to \$12,000,000.

*Section 3086. Monarch-Chesterfield, Missouri*

Modifies the project for flood damage reduction, Monarch-Chesterfield, Missouri, to direct the Secretary to provide credit for work performed by the non-Federal interests before the project cooperation agreement, if an integral part of the project.

*Section 3087. River Des Peres, Missouri*

Modifies the project for flood control, River Des Peres, Missouri, to direct the Secretary to provide credit for work performed by the non-Federal interests before the project cooperation agreement, if an integral part of the project.

*Section 3088. Antelope Creek, Lincoln, Nebraska*

Modifies the project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project. Directs the Secretary to accept advance funds from the non-Federal interest as needed to carry out the project.

*Section 3089. Sand Creek Watershed, Wahoo, Nebraska*

Modifies the project for ecosystem restoration and flood damage reduction, Sand Creek Watershed, Wahoo, Nebraska, to direct the Secretary to provide credit or reimbursement toward the non-Federal share of the cost of the project for work that is integral to the project, and to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

*Section 3090. Lower Cape May Meadows, Cape May Point, New Jersey*

Modifies the project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, to incorporate the project for shore line erosion control, Cape May Point, New Jersey, if feasible.

*Section 3091. Passaic River Basin Flood Management, New Jersey*

Modifies the project for flood control, Passaic River, New Jersey and New York, to direct the Secretary to include the benefits and costs of preserving natural flood storage in any future economic analysis of the project.

*Section 3092. Buffalo Harbor, New York*

Modifies the project for navigation, Buffalo Harbor, New York to include measures to enhance public access at a Federal cost of \$500,000.

*Section 3093. Orchard Beach, Bronx, New York*

Modifies the project for shoreline protection, Orchard Beach, Bronx, New York, to increase the project authorization to \$20,000,000.

*Section 3094. Port of New York and New Jersey, New York and New Jersey*

Modifies the project for navigation, Port of New York and New Jersey, New York and New Jersey, to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material disposal facility; to require the potential locations of sites be submitted to Congress; to require 70% of dredged material generated by the project to be beneficially reused; and to direct the

Secretary to provide credit for the cost of the temporary storage facility, if integral to the project.

*Section 3095. New York State Canal System*

Modifies section 553 of the Water Resources Development Act of 1996 to change the definition of the New York State Canal System.

*Section 3096. Lower Girard Lake Dam, Ohio*

Amends section 507(1) of the Water Resources Development Act of 1999, to increase the authorization to \$6,000,000.

*Section 3097. Mahoning River, Ohio*

Directs the Secretary to carry out a project for environmental dredging, Mahoning River, Ohio, and to provide credit for work performed by the non-Federal interests before the project cooperation agreement, if an integral part of the project.

*Section 3098. Arcadia Lake, Oklahoma*

Clarifies that payments made for water storage by the City of Arcadia, Oklahoma, satisfy its obligations under its contract with the Corps of Engineers.

*Section 3099. Waurika Lake, Oklahoma*

Prohibits unilateral changes to the June 3, 1986, agreement between the Waurika Project Master Conservancy District and the United States, regarding payments for water storage.

*Section 3100. Willamette River Temperature Control, McKenzie Subbasin, Oregon*

Modifies the project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, to direct the Secretary to compensate small businesses for losses attributable to unanticipated sedimentation resulting from project implementation.

*Section 3101. Delaware River, Pennsylvania, New Jersey, and Delaware*

Authorizes the Secretary to remove marine debris from the project for navigation, Delaware River, Pennsylvania, New Jersey, and Delaware, Philadelphia to the Sea.

*Section 3102. Raystown Lake, Pennsylvania*

Authorizes the Secretary to take such action as may be necessary to prevent shoreline erosion to protect recreational facilities located south of Pennsylvania Route 994 on the east shore of Raystown Lake.

*Section 3103. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania*

Modifies the project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, to direct the Secretary to credit \$400,000 for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 3104. Solomon's Creek, Wilkes-Barre, Pennsylvania*

Modifies the project for flood control, Wyoming Valley, Pennsylvania, to include as a project element the project for flood control, Solomon's Creek, Wilkes-Barre, Pennsylvania.

*Section 3105. South Central Pennsylvania*

Modifies the geographic scope of section 313 of the Water Resources Development Act of 1992, and increases the authorization of appropriations to \$200,000,000.

*Section 3106. Wyoming Valley, Pennsylvania*

Modifies the project for flood control, Wyoming Valley, Pennsylvania, to direct the Secretary to coordinate with non-Federal interests to review options for increased public access.

*Section 3107. Cedar Bayou, Texas*

Modifies the project for navigation, Cedar Bayou, Texas, to authorize credit for planning and design work carried out by the non-Federal interest, if integral to the project.

*Section 3108. Freeport Harbor, Texas*

Modifies the project for navigation, Freeport Harbor, Texas, to direct the Secretary to credit the cost of work by the non-Federal interest, performed before the project cooperation agreement, if the Secretary determines it to be an integral part of the project, and to remove the sunken Corps of Engineers vessel "COMSTOCK" at Federal expense.

*Section 3109. Johnson Creek, Arlington, Texas*

Modifies the project for flood damage reduction, Johnson Creek, Arlington, Texas, to direct the Secretary to construct the project at a total cost of \$29,717,000.

*Section 3110. Lake Kemp, Texas*

Directs the Secretary to forgo removing improvements from Lake Kemp before January 1, 2020, or the date ownership of the improvement is transferred, whichever is earlier.

*Section 3111. Lower Rio Grande Basin, Texas*

Modifies the project for flood control, Lower Rio Grande Basin, Texas, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project and, in calculating the non-Federal share, to make a determination on the non-Federal interest's ability to pay.

*Section 3112. North Padre Island, Corpus Christi Bay, Texas*

Modifies the project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, to include recreation as a project purpose.

*Section 3113. Pat Mayse Lake, Texas*

Directs the Secretary to accept payment in full of the monies owed for water supply storage at Pat Mayse Lake, Texas.

*Section 3114. Proctor Lake, Texas*

Authorizes the Secretary to convert flowage easements to fee simple title for the flood control project at Proctor Lake, Texas, and purchase properties and pay relocation assistance benefits to qualified landowners.

*Section 3115. San Antonio Channel, San Antonio, Texas*

Modifies the project for flood control, San Antonio Channel, San Antonio, Texas, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 3116. James River, Virginia*

Modifies the project for navigation, James River, Virginia, to authorize a turning basin adjacent to the Richmond Deepwater Terminal, if necessary for navigation safety.

*Section 3117. Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia*

Modifies the project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, to direct the Secretary to determine the ability of the non-Federal interest to pay the non-Federal share of the cost of the project for certain counties in southwest Virginia.

*Section 3118. Tangier Island Seawall, Virginia*

Directs the Secretary to design and construct a seawall at Tangier Island, Virginia, at a total cost of \$3,000,000.

*Section 3119. Duwamish/Green, Washington*

Modifies the project for ecosystem restoration, Duwamish/Green, Washington, to provide credit for work carried out by the non-Federal interest, if integral to the project, and to authorize the payment of the non-Federal share through in-kind services and materials.

*Section 3120. Yakima River, Port of Sunnyside, Washington*

Modifies the project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 3121. Greenbrier River Basin, West Virginia*

Amends section 579(c) of the Water Resources Development Act of 1996 to increase the authorization for a flood protection program for the Greenbrier River Basin, West Virginia, to \$99,000,000.

*Section 3122. Lesage/Greenbottom Swamp, West Virginia*

Directs the Secretary to ensure the preservation and restoration of "Jenkins House" and associated structures located within the Lesage/Greenbottom Swamp, West Virginia.

*Section 3123. Northern West Virginia*

Authorizes the Secretary to carry out the projects at Parkersburg, Weirton, and Erickson/Wood County, West Virginia, following the issuance of a report from the Chief of Engineers.

*Section 3124. Manitowoc Harbor, Wisconsin*

Modifies the project for navigation, Manitowoc Harbor, Wisconsin, to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of \$300,000.

*Section 3125. Mississippi River Headwaters Reservoirs*

Changes the levels for the operation of the Mississippi River Headwaters reservoirs and authorizes the Secretary to operate the reservoirs below the minimum or above the maximum water levels established by the Water Resources Development Act of 1988, in accordance with water regulation control manuals that are transmitted to Congress.

*Section 3126. Continuation of Project Authorizations*

Continues the authorization for an additional 5 years the following projects: (1) the project for flood control, Agana River, Guam and (2) the project for navigation, Fall River Harbor, Massachusetts.

*Section 3127. Project Reauthorizations*

Renews the authorizations for the projects for navigation in Menominee Harbor and River, Michigan and Wisconsin, and the south part of the outer harbor, Manitowoc Harbor, Wisconsin, that were deauthorized by section 101 of the River and Harbor Act of 1962.

*Section 3128. Project Deauthorizations*

Deauthorizes a portion of the following projects for navigation, Bridgeport Harbor, Connecticut; Mystic River, Connecticut; Falmouth Harbor, Massachusetts; Island End River, Massachusetts; City Waterway, Tacoma, Washington; Anchorage Area, New London Harbor, Connecticut; Southport Harbor, Fairfield, Connecticut; Mystic River, Massachusetts; and Green Bay Harbor, Green Bay, Wisconsin.

Additional deauthorizations include the features of the following projects that have never been constructed:

- (1) Project for flood control, Cache Creek Basin, Clear Lake Outlet Channel, California.
- (2) Project for flood control, Atascadero Creek and tributaries of Goleta, California.
- (3) Project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida.
- (4) Project for flood control, Middle Wabash, Greenfield Bayou, Indiana.
- (5) Project for flood damage reduction, Lake George, Hobart, Indiana.
- (6) Project for flood control, Green Bay Levee and Drainage District No.2, Iowa.
- (7) Project for flood control, Hazard, Kentucky.

(8) Project for flood control, recreation portion, Taylorsville Lake, Kentucky.

(9) Project for flood control, Western Kentucky Tributaries, Kentucky.

(10) Project for flood damage reduction, Tensas-Cocodrie area, Louisiana.

(11) Project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.

(12) The bulkheads and jetties at Lake Borgne and Chef Menteur, feature of the project for navigation, Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana.

(13) Project for the Red River Waterway, Shreveport, Louisiana to Daingerfield Texas.

(14) Project for flood damage reduction, Brockton, Massachusetts.

(15) Project for navigation, Grand Haven Harbor, Michigan.

(16) Project for hydropower, (Units 6–8), Libby Dam, Montana.

(17) Project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska.

(18) Project for navigation, Outer Harbor, Buffalo, New York.

(19) Project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina.

(20) Project for flood control, Miami River, Fairfield, Ohio.

(21) Project for shoreline protection, Maumee Bay, Lake Erie, Ohio.

(22) Project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma.

(23) Project for Columbia River, Seafarers Memorial, Hammond, Oregon.

(24) Project for bulkhead repairs, Quonset Point-Davisville, Rhode Island.

(25) Project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky.

(26) Project for flood control, Arroyo Colorado, Lower Rio Grande, Texas.

(27) Project for flood control, Cypress Creek-Structural, Texas.

(28) Project for flood protection, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.

(29) Project for flood control, Falfurrias, Texas.

(30) Project for streambank erosion, Kanawha River, Charleston, West Virginia.

Also amends section 1001(b)(2) of the Water Resources Development Act of 1986 to require the Secretary to submit a list of projects for deauthorization yearly, instead of biennially and to make projects eligible for the list if they received no funding during the previous five years, instead of seven years.

#### *Section 3129. Land conveyances*

Conveys Federal properties at the following locations:

(a) St. Francis Basin, Arkansas and Missouri.

(b) Milford, Kansas.

(c) Pike County, Missouri.

(d) Boardman, Oregon.

- (e) Tioga Township, Pennsylvania.
- (f) Richard B. Russell Lake, South Carolina.

*Section 3130. Extinguishment of Reversionary Interests and Use Restrictions*

Extinguishes reversionary interests and use restrictions in deeds conveying properties in Nez Perce County, Idaho, Old Hickory Lock and Dam, Cumberland River, Tennessee, and at Port of Pasco, Washington.

TITLE IV—STUDIES

*Section 4001. John Glenn Great Lakes Basin Program*

Amends section 455 of the Water Resources Development Act of 1999 to authorize payment of the non-Federal share in the form of in-kind services and materials.

*Section 4002. Lake Erie dredged material disposal sites*

Directs the Secretary to conduct a study and make recommendations to eliminate avian botulism problems at dredged material disposal sites in the vicinity of Lake Erie.

*Section 4003. Southwestern United States drought study*

Directs the Secretary, in coordination with the Secretaries of the Interior, Agriculture, Commerce and other appropriate agencies, to conduct a study of drought conditions in the southwestern United States, with particular emphasis on the Colorado River Basin, the Rio Grande River Basin, and the Great Basin.

*Section 4004. Upper Mississippi River comprehensive plan*

Directs the Secretary to complete the comprehensive plan to address water resource and related land resource problems and opportunities in the upper Mississippi and Illinois River basins, authorized by section 459 of the Water Resources Development Act of 1999, by no later than December 30, 2006.

*Section 4005. Knik Arm, Cook Inlet, Alaska*

Directs the Secretary to conduct a study to determine the impacts on navigation from the construction of a bridge across Knik Arm, Cook Inlet, Alaska.

*Section 4006. Kuskokwim River, Alaska*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation, Kuskokwim River, Alaska, in the vicinity of the village of Crooked Creek.

*Section 4007. St. George Harbor, Alaska*

Directs the Secretary to conduct a study to determine the feasibility of providing navigation improvements at St. George Harbor, Alaska.

*Section 4008. Susitna River, Alaska*

Directs the Secretary to conduct a study to determine the feasibility of constructing a hydropower project on the Susitna River, Alaska.

*Section 4009. Gila Bend, Maricopa, Arizona*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gila Bend, Maricopa, Arizona, and to use plans and designs developed by the non-Federal interest, if consistent with Federal standards.

*Section 4010. Searcy County, Arkansas*

Directs the Secretary to conduct a study to determine the feasibility of using Greers Ferry Lake as a source of water supply for Searcy County, Arkansas.

*Section 4011. Dry Creek Valley, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project to provide recycled water for agricultural water supply, Dry Creek Valley, California, including the feasibility of expanding the Geysers recharge project north of Healdsburg, California.

*Section 4012. Elkhorn Slough Estuary, California*

Directs the Secretary to conduct a study of the Elkhorn Slough Estuary to determine the feasibility of conserving, enhancing, and restoring estuarine habitats by addressing hydrological management issues.

*Section 4013. Fresno, Kings, and Kern Counties, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply, Fresno, Kings, and Kern counties, California.

*Section 4014. Los Angeles River, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration for the Los Angeles River, and to use the Los Angeles River revitalization plan developed by the non-Federal interests if such plan is consistent with Federal standards.

*Section 4015. Lytle Creek, Rialto, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and groundwater recharge at Lytle Creek, Rialto, California.

*Section 4016. Mokelumne River, San Joaquin County, California*

Directs the Secretary to conduct a study to determine the feasibility of using Mokelumne River as a source of water supply for San Joaquin County, California. The Committee is aware of concerns expressed about this study and whether it would negatively affect water rights, water law, and permitted activities and agreements governing East Bay Municipal Utility District and its use of this watershed. To address these concerns, the Committee included language stating that this section does not invalidate, preempt, or create any exception to State water law, State water rights, of Federal or State permitted activities or agreements.

*Section 4017. Napa River, St. Helena, California*

Directs the Secretary to conduct a comprehensive study of the Napa River in the area of St. Helena, California, to improve flood management, restore habitat, improve fish passage and water quality, and restore plants native to the area. Directs the Secretary to use plans and designs developed by the non-Federal interest, if consistent with Federal standards.

*Section 4018. Orick, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration. In conducting the study, the Secretary shall determine the feasibility of restoring or rehabilitating the Redwood Creek Levees, Humboldt County, California.

*Section 4019. Rialto, Fontana, and Colton, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California.

*Section 4020. Sacramento River, California*

Directs the Secretary to conduct a study to determine the feasibility of and alternatives for measures to protect water diversion facilities and fish protective screen facilities on the Sacramento River, California.

*Section 4021. San Diego County, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply for San Diego County, including a review of the feasibility of connecting 4 existing reservoirs to increase usable storage capacity.

*Section 4022. San Francisco Bay, Sacramento-San Joaquin Delta, California*

Directs the Secretary to conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including a review of using Sherman Island as a re-handling site.

*Section 4023. South San Francisco Bay Shoreline Study, California*

Directs the Secretary to complete the feasibility report for the South San Francisco Bay Shoreline Study, California, by December 31, 2008, using documents prepared by the non-Federal interest if they are consistent with Federal standards, and provide credit for work performed by the non-Federal interest towards the non-Federal share of the cost of any project authorized as a result of the study, if integral to the project.

*Section 4024. Twentynine Palms, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction at the Pinto Cove Wash, in the vicinity of Twentynine Palms, California.

*Section 4025. Yucca Valley, California*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, West Burnt Mountain Basin, in the vicinity of Yucca Valley, California.

*Section 4026. Boulder Creek, Boulder, Colorado*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Boulder Creek floodplain, Colorado.

*Section 4027. Roaring Fork River, Basalt, Colorado*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction for the Roaring Fork River, Basalt, Colorado.

*Section 4028. Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and related purposes along the Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

*Section 4029. Collier County Beaches, Florida*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County, Florida.

*Section 4030. Vanderbilt Beach Lagoon, Florida*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for environmental restoration, water supply, and improvement of water quality at Vanderbilt Beach Lagoon, Florida.

*Section 4031. Meriwether County, Georgia*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply, Meriwether County, Georgia.

*Section 4032. Tybee Island, Georgia*

Directs the Secretary to conduct a study to determine the feasibility of including the northern end of Tybee Island, extending from the north terminal groin to the mouth of Lazaretto Creek, as part of the project for beach erosion control, Tybee Island, Georgia.

*Section 4033. Kaukonahua-Helemano Watershed, Oahu, Hawaii*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Kaukonahua-Helemano Watershed, Oahu, Hawaii.

*Section 4034. West Maui, Maui, Hawaii*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water resources development, environmental restoration, and natural resources protection, West Maui, Maui, Hawaii.

*Section 4035. Boise River, Idaho*

Modifies the study for flood control, Boise River, Idaho, to add ecosystem restoration and water supply as project purposes to be studied and to direct the Secretary to provide up to \$500,000 in credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 4036. Ballard's Island Side Channel, Illinois*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for ecosystem restoration in the side channel of Ballard's Island, Illinois.

*Section 4037. Chicago, Illinois*

Amends section 425(a) of the Water Resources Development Act of 2000 to clarify that sites along Lake Michigan are included in the scope of the shoreline protection study, Chicago Illinois.

*Section 4038. South Branch, Chicago River, Chicago River, Illinois*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

*Section 4039. Utica, Illinois*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the vicinity of Utica, Illinois.

*Section 4040. Lake and Porter Counties, Indiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration along Lake Michigan, in the cities of Hammond, Whiting, East Chicago, Gary and Portage, Indiana. In conducting this study, the Secretary shall, to the maximum extent practicable, review a report prepared by the non-Federal interest and make use of that report to the extent the report meets the evaluation and design standards of the Secretary.

*Section 4041. Salem, Indiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for an additional water supply source for Salem, Indiana.

*Section 4042. Buckhorn Lake, Kentucky*

Directs the Secretary to conduct a study to determine the feasibility of modifying the project for flood damage reduction, Buckhorn Lake, Kentucky, to add ecosystem restoration, recreation, and improved access as project purposes, including a permanent raise in winter pool elevation, and to allow the non-Federal interest to satisfy its share with in-kind contributions.

*Section 4043. Dewey Lake, Kentucky*

Directs the Secretary to conduct a study to determine the feasibility of modifying the project for Dewey Lake, Kentucky, to add water supply as a project purpose.

*Section 4044. Louisville, Kentucky*

Directs the Secretary to conduct a study to of the project for flood control, Louisville, Kentucky, to investigate measures to rehabilitate the project.

*Section 4045. Bastrop-Morehouse Parish, Louisiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply at Bastrop-Morehouse Parish, Louisiana.

*Section 4046. Offshore Oil and Gas Fabrication Ports, Louisiana*

Directs the Secretary, when determining the feasibility of projects for navigation at Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, and Iberia Port, Louisiana, to consider all economic benefits associated with contracts for new energy exploration and energy infrastructure fabrication that would result from the project to be national economic development benefits. This section also repeals section 6009 of Public Law 109–13, which attempts to address this project-specific issue through a broad change in national policy for the development of navigation projects. The Committee is aware that the economic justification for the Port of Iberia is complete, applying the standard set forth in section 6009 of Public Law 109–13. The Committee does not intend this section to apply a different standard or require any new economic justification for the Port of Iberia. This amendment is intended to repeal the general change to the policy for calculating navigation benefits and to instead specify the test for economic justification for two ports. The Committee notes that under section 6009 of Public Law 109–13, the same energy contracts that the Port of Iberia expects to receive could be used to justify a Federal interest in competing oil and gas fabrication ports, because under that section, merely shifting economic benefits from one port to another is defined as national economic development benefits.

*Section 4047. Vermilion River, Louisiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation on the Vermilion River, Louisiana.

*Section 4048. West Feliciana Parish, Louisiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

*Section 4049. Patapsco River, Maryland*

Directs the Secretary to conduct a study to determine and assess the impact of debris in the Patapsco River basin, Maryland, on wetlands, water quality, and public health and to identify management measures to reduce the inflow of debris into the Patapsco River.

*Section 4050. Fall River Harbor, Massachusetts and Rhode Island*

Directs the Secretary to conduct a study to determine the feasibility of deepening a portion of the navigation channel for Fall River Harbor, Massachusetts and Rhode Island, seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

*Section 4051. Hamburg and Green Oak Townships, Michigan*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction on Ore Lake and the Huron River for Hamburg and Green Oak townships, Michigan.

*Section 4052. St. Clair River, Michigan*

Directs the Secretary to conduct a study to examine the relationships among water levels, dredging, and erosion in the St. Clair River, Lake Michigan, and Lake Huron. The report on the results of the study may include recommendations on how to address the water level declines in Lake Michigan and Lake Huron.

*Section 4053. Duluth-Superior Harbor, Minnesota and Wisconsin*

Directs the Secretary to conduct a study and prepare a report to evaluate the integrity of the bulkhead system located on and in the vicinity of Duluth-Superior Harbor, Duluth, Minnesota, and Superior, Wisconsin.

*Section 4054. Wild Rice River, Minnesota*

Directs the Secretary to review the project for flood protection, Wild Rice River, Minnesota, to develop alternatives for the Twin Valley Lake feature.

*Section 4055. Mississippi Coastal Area, Mississippi*

Directs the Secretary to conduct a study to determine the feasibility of making improvements or modifications to existing projects in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of saltwater intrusion, preservation of fish and wildlife, prevention of erosion, and other related purposes.

*Section 4056. Northeast Mississippi*

Directs the Secretary to conduct a study to determine the feasibility of modifying the project for navigation on the Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply to northeast Mississippi.

*Section 4057. St. Louis, Missouri*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, St. Louis, Missouri, to restore or rehabilitate the existing levee system for the City of St. Louis, Missouri.

*Section 4058. Dredged Material Disposal, New Jersey*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for the construction of a dredged material disposal transfer facility in the vicinity of the Atlantic Intra-

coastal Waterway to make dredged material available for beneficial use.

*Section 4059. Bayonne, New Jersey*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Kill Van Kull, Bayonne, New Jersey.

*Section 4060. Carteret, New Jersey*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Raritan River, Carteret, New Jersey.

*Section 4061. Elizabeth River, Elizabeth, New Jersey*

Directs the Secretary to conduct a study to determine the feasibility of carrying out ecosystem restoration improvements in the Elizabeth River watershed, Elizabeth, New Jersey.

*Section 4062. Gloucester County, New Jersey*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gloucester, New Jersey, including the feasibility of restoring flood protection dikes in Gibbstown, New Jersey, and associated tidegates in Gloucester, New Jersey. In conducting the study, the Secretary shall use any relevant information developed by the Corps or the non-Federal interest related to temporary, emergency, or permanent improvements.

*Section 4063. Perth Amboy, New Jersey*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Arthur Kill, Perth Amboy, New Jersey.

*Section 4064. Wreck Pond, Monmouth County, New Jersey*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for environmental restoration at Wreck Pond, New Jersey, including Black Creek and associated waters.

*Section 4065. Batavia, New York*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for micro-hydropower and related purposes in the vicinity of Batavia, New York.

*Section 4066. Big Sister Creek, Evans, New York*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Big Sister Creek, Evans, New York, including potential solutions to flooding that result from ice jams.

*Section 4067. East Chester Bay, Turtle Cove, New York*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation, East Chester Bay, Turtle Cove, New York.

*Section 4068. Finger Lakes, New York*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection, Finger Lakes, New York, to address water quality and invasive species.

*Section 4069. Hudson-Raritan Estuary, New York and New Jersey*

Directs the Secretary, in carrying out a study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, to establish and utilize the watershed restoration teams composed of certain estuary restoration experts.

*Section 4070. Lake Erie Shoreline, Buffalo, New York*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for storm damage reduction and shoreline protection in the vicinity of Gallagher Beach, Lake Erie Shoreline, Buffalo, New York.

*Section 4071. Newtown Creek, New York*

Directs the Secretary to conduct a study to determine the feasibility of carrying out ecosystem restoration improvements at Newtown Creek, Brooklyn and Queens, New York.

*Section 4072. Niagara River, New York*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for a low-head hydroelectric generating facility in the Niagara River, New York.

*Section 4073. Upper Delaware River Watershed, New York*

Authorizes a non-profit organization to participate as the non-Federal sponsor for a study being conducted for the Upper Delaware River Watershed, New York.

*Section 4074. Lincoln County, North Carolina*

Directs the Secretary to conduct a study of existing water and water quality-related infrastructure in Lincoln County and to assist local interests in determining the most efficient and effective way to connect county infrastructure.

*Section 4075. Wilkes County, North Carolina*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply, Wilkes County, North Carolina.

*Section 4076. Yadkinville, North Carolina*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply, Yadkinville, North Carolina.

*Section 4077. Cincinnati, Ohio*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for ecosystem restoration of and recreation on the Ohio River, Cincinnati, Ohio, and directs the Secretary to use the Central Riverfront Park Master Plan, dated December 1999, if it is consistent with Federal standards and to provide the non-Federal sponsor with credit for work performed within the previous five years, if integral to any project authorized as a result of this study. The Committee is aware that the Secretary has authority to carry out design work for this project and expects the Secretary to continue to conduct that work. However, there has been no evaluation of the feasibility of this project and this section authorizes the Secretary to conduct that evaluation.

*Section 4078. Euclid, Ohio*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation, ecosystem restoration and recreation on Lake Erie, in the vicinity of the Euclid Lakefront, Euclid, Ohio.

*Section 4079. Lake Erie, Ohio*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for wind power generation at confined disposal facilities along Lake Erie, Ohio.

*Section 4080. Ohio River, Ohio*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the Ohio River within the counties of Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence and Scioto, Ohio.

*Section 4081. Sutherlin, Oregon*

Directs the Secretary to conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using structural and bioengineering techniques, and to carry out a project, if feasible. Authorizes up to \$2,500,000 for projects under this section.

*Section 4082. Tillamook Bay and Bar, Oregon*

Directs the Secretary to conduct a study to investigate measures to address hazardous conditions at the project for navigation, Tillamook Bay and Bar, Oregon.

*Section 4083. Ecosystem Restoration and Fish Passage Improvements, Oregon*

Directs the Secretary to conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers in Oregon, and authorizes up to \$5,000,000 for pilot projects.

*Section 4084. Walla Walla River Basin, Oregon*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Walla

Walla River Basin, Oregon. Authorizes payment of the non-Federal share in the form of in-kind services and materials and directs the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest, if an integral part of the project.

*Section 4085. Chartiers Creek Watershed, Pennsylvania*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chartiers Creek watershed, Pennsylvania.

*Section 4086. Kinzua Dam and Allegheny Reservoir, Pennsylvania*

Directs the Secretary to study the project for flood control, Kinzua Dam and Allegheny Reservoir, Warren, Pennsylvania, to review operations of and identify modifications to the project to expand recreational opportunities.

*Section 4087. North Central Pennsylvania*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection within the counties of Warren, McKean, Potter, Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jefferson, Clarion, Venango, Forest, Clinton, Crawford, and Mifflin, Pennsylvania, relating to abandoned mine drainage abatement and reestablishment of stream and river channels.

*Section 4088. Northampton and Lehigh Counties Streams, Pennsylvania*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, floodplain management, flood damage reduction, water quality control and watershed management, for the streams of Northampton and Lehigh counties, Pennsylvania.

*Section 4089. Western Pennsylvania Flood Damage Reduction*

Directs the Secretary to conduct a study of structural and non-structural flood damage reduction, stream bank protection, storm water management, channel clearing and modification, and watershed coordination measures in the Mahoning River basin, the Allegheny River basin, and the Upper Ohio River basin in Pennsylvania, to provide flood protection for the communities in western Pennsylvania.

*Section 4090. Williamsport, Pennsylvania*

Directs the Secretary to conduct a study to investigate measures to rehabilitate the project for flood control, Williamsport, Pennsylvania.

*Section 4091. Yardley Borough, Pennsylvania*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction at Yardley Borough, Pennsylvania, including the alternative of raising River Road.

*Section 4092. Rio Valenciano, Juncos, Puerto Rico*

Directs the Secretary to conduct a study to reevaluate the project for flood damage reduction and water supply, Rio Valenciano, Juncos, Puerto Rico, to determine the feasibility of carrying out the project. Authorizes credit toward the non-Federal share of the cost of the project the cost of integral work carried out by the non-Federal interest, if integral to the project.

*Section 4093. Crooked Creek, Bennettsville, South Carolina*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply, Crooked Creek, Bennettsville, South Carolina.

*Section 4094. Broad River, York County, South Carolina*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply, Broad River, York County, South Carolina.

*Section 4095. Georgetown and Williamsburg Counties, South Carolina*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg counties, South Carolina, including the alternative of constructing a desalination facility.

*Section 4096. Chattanooga, Tennessee*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chattanooga Creek, Dobbs Branch, Chattanooga, Tennessee.

*Section 4097. Cleveland, Tennessee*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Cleveland, Tennessee.

*Section 4098. Cumberland River, Nashville, Tennessee*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for recreation, riverbank protection, and environmental protection of the Cumberland River and riparian habitats in the city of Nashville and Davidson County, Tennessee.

*Section 4099. Lewis, Lawrence, and Wayne Counties, Tennessee*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply for Lewis, Lawrence and Wayne counties, Tennessee.

*Section 4100. Wolf River and Nonconnah Creek, Memphis, Tennessee*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction along Wolf River and Nonconnah Creek, in the vicinity of Memphis, Tennessee, to include repair, replacement, rehabilitation, and restoration of the pumping stations: Cypress Creek, Nonconnah Creek, Ensley, Marble Bayou, and Bayou Gayoso.

*Section 4101. Abilene, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply, Abilene, Texas.

*Section 4102. Coastal Texas Ecosystem Protection and Restoration, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of Texas.

*Section 4103. Fort Bend County, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Fort Bend County, Texas.

*Section 4104. Harris County, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Harris County, Texas.

*Section 4105. Port of Galveston, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for dredged material disposal for the Port of Galveston, Texas.

*Section 4106. Roma Creek, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Roma Creek, Texas.

*Section 4107. Walnut Creek, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration and erosion control, Walnut Creek, Texas.

*Section 4108. Grand County and Moab, Utah*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact on the Spanish Valley Aquifer of current and future water supply demands.

*Section 4109. Southwestern Utah*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Santa Clara River, within the counties of Washington, Iron, and Kane, Utah.

*Section 4110. Chowan River Basin, Virginia and North Carolina*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, navigation, and erosion control, Chowan River basin, Virginia and North Carolina.

*Section 4111. James River, Richmond, Virginia*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction, James River, Richmond, Virginia, in the vicinity of the Shockoe Bottom area.

*Section 4112. Elliott Bay Seawall, Seattle, Washington*

Modifies the study for the rehabilitation of the Elliott Bay Seawall to include a determination of the feasibility of reducing future damage from seismic activity. Authorizes the Secretary to accept excess contributions from the non-Federal interest to facilitate completion of the study and to authorize credit toward the non-Federal share of the cost of any project authorized as a result of the study an amount equal to the value of any such contributions.

*Section 4113. Monongahela River Basin, Northern West Virginia*

Directs the Secretary to conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River Basin within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie, West Virginia, particularly as related to abandoned mine drainage abatement.

*Section 4114. Kenosha Harbor, Wisconsin*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation, Kenosha Harbor, Wisconsin, including the extension of existing piers.

*Section 4115. Wauwatosa, Wisconsin*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin, and greater Milwaukee watersheds, Wisconsin.

## TITLE V—MISCELLANEOUS PROVISIONS

*Section 5001. Maintenance of Navigation Channels*

Authorizes the Secretary to maintain the following navigation channels, if feasible: (1) Manatee Harbor basin, Florida; (2) Bayou LaFourche Channel, Port Fourchon, Louisiana; (3) Calcasieu River at Devil's Elbow, Louisiana; (4) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee; (5) Pix Bayou Navigation Channel, Chambers County, Texas; and (6) Racine Harbor, Wisconsin.

*Section 5002. Watershed Management*

Authorizes \$15,000,000 for the Secretary to provide technical, planning, and design, assistance to a non-Federal interest for carrying out watershed management, restoration, and development projects in the following watersheds:

- (1) Cucamonga basin, Upland, California.
- (2) Charlotte Harbor watershed, Florida.

- (3) Big Creek watershed, Roswell, Georgia.
- (4) Portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia.
- (5) Kinkaid Lake, Jackson County, Illinois.
- (6) Amite River basin, Louisiana.
- (7) East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana.
- (8) Red River watershed, Louisiana.
- (9) Taunton River basin, Massachusetts.
- (10) Lower Platte River watershed, Nebraska.
- (11) Rio Grande watershed, New Mexico.
- (12) Marlboro Township, New Jersey.
- (13) Buffalo River watershed, New York.
- (14) Cattaraugus Creek watershed, New York.
- (15) Eighteenmile Creek watershed, Niagara County, New York.
- (16) Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster counties, New York.
- (17) Genesee River watershed, New York.
- (18) Greenwood Lake watershed, New York and New Jersey.
- (19) Long Island Sound watershed, New York.
- (20) Oswego River basin, New York.
- (21) Ramapo River watershed, New York.
- (22) Tonawanda Creek watershed, New York.
- (23) Tuscarawas River basin, Ohio.
- (24) Western Lake Erie basin, Ohio.
- (25) Portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers in Beaver, Butler, Lawrence, and Mercer counties, Pennsylvania.
- (26) Otter Creek watershed, Pennsylvania.
- (27) Unami Creek, Milford Township, Pennsylvania.
- (28) Sauk River basin, Washington.
- (29) Greater Milwaukee watersheds, Wisconsin.

*Section 5003. Dam safety*

Authorizes \$6,000,000 for the Secretary to provide assistance to enhance dam safety at the following locations:

- (1) Fish Creek Dam, Blaine County, Idaho.
- (2) Hamilton Dam, Saginaw River, Flint, Michigan.
- (3) Candor Dam, Candor, New York.
- (4) State Dam, Auburn, New York.
- (5) Whaley Lake Dam, Pawling, New York.
- (6) Ingham Spring Dam, Solebury Township, Pennsylvania.
- (7) Leaser Lake Dam, Lehigh County, Pennsylvania.
- (8) Stillwater Dam, Monroe County, Pennsylvania.
- (9) Wissahickon Creek Dam, Montgomery County, Pennsylvania.

The assistance for State Dam, Auburn, New York shall be for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if fea-

sible. This section also states the sense of Congress that the Secretary should immediately remedy the deterioration of the Fern Ridge Dam, Oregon, and amends section 504 of the Water Resources Development Act of 1999 to clarify that there are multiple dams on Kehly Run, Pennsylvania.

*Section 5004. Structural Integrity Evaluations*

Authorizes the Secretary to evaluate the structural integrity and effectiveness of projects for flood damage reduction and to prevent project failure at the following locations: Arkansas River Levees, Arkansas, and Nonconnah Creek, Tennessee.

*Section 5005. Flood Mitigation Priority Areas*

Amends the flood mitigation and riverine restoration program in section 212 of the Water Resources Development Act of 1999 to add the following to the list of priority areas for review by the Secretary: Ascension Parish, Louisiana; East Baton Rouge Parish, Louisiana; Iberville Parish, Louisiana; Livingston Parish, Louisiana; and Pointe Coupee Parish, Louisiana.

*Section 5006. Additional Assistance for Authorized Projects*

Amends section 219(e) of the Water Resources Development Act of 1992 to increase the authorization ceiling for specific projects to allow ongoing work to continue. Authorizes assistance made available under the rural enterprise zone program of the Department of Agriculture to be used toward payment of the non-Federal share of the cost of the project for East Arkansas Enterprise Community, Arkansas, if such assistance is authorized to be used for such purposes. In carrying out the project for the Colonias along the United States-Mexico Border, the Secretary may provide assistance to projects in Hidalgo County, Texas.

*Section 5007. Expedited Completion of Reports and Construction for Certain Projects*

Directs the Secretary to expedite completion of reports and, if feasible, construction for the following projects being carried out under existing authorities:

- (1) Fulmer Creek, Village of Mohawk, New York.
- (2) Moyer Creek, Village of Frankfort, New York.
- (3) Steele Creek, Village of Ilion, New York.
- (4) Oriskany Wildlife Management Area, Rome, New York.
- (5) Whitney Point Lake, Otselic River, Whitney Point, New York.
- (6) Newton Creek, Bainbridge, New York.
- (7) Chenango Lake, Chenango County, New York.

*Section 5008. Expedited Completion of Reports for Certain Projects*

Directs the Secretary to expedite completion of the reports and, if it is determined that a project is justified, proceed to project preconstruction, engineering, and design for the following:

- (1) Project for water supply, Little Red River, Arkansas.
- (2) Project for shoreline stabilization at Egmont Key, Florida.
- (3) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(4) Project for hurricane and storm damage reduction, Montauk Point, New York.

This section directs the Secretary to waive the non-Federal cost-share allocated to that portion of the project for shoreline stabilization at Egmont Key, Florida, which protects federally owned property. This section also directs the Secretary to complete the report for the project for hurricane and storm damage reduction, Montauk Point, New York.

*Section 5009. Southeastern Water Resources Assessment*

Directs the Secretary to conduct an assessment of water resources needs of the Southeastern United States and authorizes cooperative agreements with State and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to carry out the assessment. The Tennessee Natural Resources Policy Center of the University of Tennessee has significant expertise in the water resources of the Southeastern United States. The Secretary may enter into a cooperative agreement with the University of Tennessee to carry out this section.

*Section 5010. Upper Mississippi River Environmental Management Program*

Amends the Upper Mississippi River Environmental Management Program to allow the non-Federal interest to provide the non-Federal share of the project in the form of in-kind services and materials, and to allow non-profit entities to serve as non-Federal sponsors, with the consent of the affected local government.

*Section 5011. Missouri and Middle Mississippi Rivers Enhancement Project*

Amends the Missouri and Middle Mississippi River Enhancement Project to extend the authorization period through 2015.

*Section 5012. Great Lakes Fishery and Ecosystem Restoration*

Amends Section 506 of the Water Resources Development Act of 2000 to allow 100% of the non-Federal share to be provided in the form of in-kind contributions for the Great Lakes Fishery and Ecosystem Restoration program.

*Section 5013. Great Lakes remedial action plans and sediment remediation*

Amends Section 401 of the Water Resources Development Act of 1990 to extend the authority of the Secretary to provide assistance for Great Lakes Remedial Action Plans and sediment remediation projects through 2011.

*Section 5014. Great Lakes tributary model*

Amends Section 516 of the Water Resources Development Act of 1996 to extend the authorization of appropriations for the development of a Great Lakes tributary sediment transport model through 2011.

*Section 5015. Susquehanna, Delaware, and Potomac River basins*

Makes the Division Engineer, North Atlantic Division, an ex officio member of the Susquehanna River Basin Compact and the

Delaware River Basin Compact and authorizes the Secretary to provide funding to interstate compacts. This section also authorizes the Secretary to enter into an agreement with the Delaware River Basin Commission to provide water from a Corps dam during a drought warning or drought emergency, at a cost to the Commission not to exceed the incremental operating costs associated with providing the storage.

*Section 5016. Chesapeake Bay environmental restoration and protection program*

Amends the Chesapeake Bay Environmental Restoration and Protection Program to include restoration of submerged aquatic vegetation and to increase the authorization to \$50,000,000.

*Section 5017. Chesapeake Bay oyster restoration*

Amends section 704(b) of the Water Resources Development Act of 1986 to increase authorization to \$30,000,000.

*Section 5018. Hypoxia assessment*

Authorizes the Secretary to participate with Federal, State, and local agencies Non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico. The Committee is aware of the consortium between Ohio State University and Louisiana State University to address these issues, and of the expertise of the Olentangy River Wetland Research Park located on the Ohio State University campus in Columbus, Ohio. The assistance provided under this section may be used to collaborate with researchers at the Olentangy River Wetland Research Park, including participation in a river monitoring network, and the development of wetland and river research tools.

*Section 5019. Potomac River watershed assessment and tributary strategy evaluation and monitoring program*

Authorizes the Secretary to participate in the Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program to identify a series of resource management indicators to monitor the effectiveness of strategies and public policies that pertain to natural resource protection of the Potomac River watershed.

*Section 5020. lock and dam security*

Directs the Secretary to develop standards for the security of locks and dams, provide technical assistance on a reimbursable basis, and enter into cooperative agreements to carry out testing and certification activities. The Committee is aware that the National Safe Waterways and Seaports Alliance has the capability to conduct comprehensive operational testing, vulnerability and risk assessments, security planning exercises, computer simulation modeling, and training. The Alliance also has expertise regarding barriers to prevent vessels from approaching too near a dam or other critical waterway infrastructure. The Secretary may enter into a cooperative agreement with the Alliance to carry out this section.

*Section 5021. Pinhook Creek, Huntsville, Alabama*

Directs the Secretary to design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama, and to allow the non-Federal interest to increase its participation in the project to the extent necessary to implement the project.

*Section 5022. Tallapoosa, Alabama*

Authorizes \$5,000,000 for the Secretary to provide technical assistance relating to water supply for the Middle Tallapoosa Water Supply District, Alabama.

*Section 5023. Alaska*

Amends section 570 of the Water Resources Development Act of 1999 to add environmental restoration as an authorized purpose, increase the authorization level, allow non-profits to serve as non-Federal interests with the consent of the local government, and allow 10% of appropriated funds to be used for administrative expenses. This authority may be used to provide assistance for any publicly owned project, as well as any project owned by a Native Corporation. In addition, this authority may be used to address environmental restoration, including abatement of abandoned mines.

*Section 5024. Barrow, Alaska*

Directs the Secretary to carry out a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including the relocation of a stretch of road that is eroding away.

*Section 5025. Coffman Cove, Alaska*

Authorizes the Secretary to carry out the project for navigation, Coffman Cove, Alaska, at a total cost of \$3,000,000.

*Section 5026. Fort Yukon, Alaska*

Authorizes the Secretary to make repairs to the dike at Fort Yukon, Alaska, in accordance with the Corps of Engineers standards.

*Section 5027. Kotzebue Harbor, Alaska*

Authorizes the Secretary to carry out a project for navigation, Kotzebue Harbor, Kotzebue, Alaska, at a total cost of \$2,200,000.

*Section 5028. Lowell Creek Tunnel, Seward, Alaska*

Directs the Secretary to assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel and authorizes a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

*Section 5029. St. Herman and St. Paul Harbors, Kodiak, Alaska*

Authorizes \$2,000,000 to fund the removal of rubble, sediment, and debris from harbors at Kodiak, Alaska.

*Section 5030. Tanana River, Alaska*

Directs the Secretary to carry out, on an emergency basis, the removal of the hazard to navigation on the Tanana River, Alaska,

near the confluence of the Tanana and Chena rivers, as described in the January 3, 2005, Memorandum from the Commander, Seventeenth Coast Guard District, to the Army Corps of Engineers, Alaska District, Anchorage, Alaska. The Committee believes that the Secretary has the authority to remove this hazard to navigation under the authority of section 20 of the Rivers and Harbors Act of 1899, and its implementing regulations at 33 C.F.R. Part 245, which define an obstruction to navigation as anything that restricts, endangers, or interferes with navigation. However, to remove any doubt of the Secretary's authority and the Committee's intent that this hazard to navigation be removed, the Committee has included this section in the bill.

*Section 5031. Valdez, Alaska*

Authorizes the Secretary to construct a small boat harbor in Valdez, Alaska at a total cost of \$20,000,000.

*Section 5032. Whittier, Alaska*

Directs the Secretary to conduct a study to determine the feasibility of two navigation projects at Whittier, Alaska, a new boat harbor at the head of Whittier Bay, and expansion of the existing harbor at Whittier. If the Secretary determines a project is feasible, the Secretary is authorized to carry out the feasible project or projects, as the case may be. This section also directs the Secretary to allow the non-Federal interest to use funds provided under any other Federal program to pay the non-Federal share of the cost of a project, if the funds are authorized for such purposes.

*Section 5033. Wrangell Harbor, Alaska*

Defines the general navigation features of the project for navigation, Wrangell Harbor, Alaska.

*Section 5034. Augusta and Clarendon, Arkansas*

Authorizes the Secretary to perform operation, maintenance and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas. Requires the Secretary to seek reimbursement from the Secretary of the Interior for the share of the cost of performing such maintenance, and repair allocated to benefits to a Federal wildlife refuge.

*Section 5035. Des Arc Levee Protection, Arkansas*

Directs the Secretary to review the project for flood control, Des Arc, Arkansas, to determine whether bank and channel scour along the White River threatens the existing project and whether the scour is a result of design deficiency. Authorizes the Secretary to carry out measures to eliminate the deficiency.

*Section 5036. Helena and Vicinity, Arkansas*

Directs the Secretary to accept non-Federal contributions of cash, easements, lands, rights-of-way, relocations, and dredged material disposal areas as of September 2003 as fulfillment of cost sharing responsibilities for the flood control project at Helena and Vicinity, Arkansas.

*Section 5037. Loomis Landing, Arkansas*

Directs the Secretary to conduct a study to determine if shore damage in the vicinity of Loomis Landing, Arkansas, is the result of a Federal navigation project, and to mitigate damage that has occurred as a result of the Federal navigation project.

*Section 5038. St. Francis River Basin, Arkansas and Missouri*

Directs the Secretary to conduct a study to determine if increased siltation and streambank erosion are the results of a Federal flood control project, and to mitigate such siltation and erosion in the St. Francis River basin, Arkansas and Missouri.

*Section 5039. White River Basin, Arkansas*

Directs the Secretary to implement certain authorized alternatives identified in the White River Minimum Flows Reallocation Study, Arkansas and Missouri, July 2004, and to cost-share such alternatives as fish and wildlife enhancement under section 906(e) of the Water Resources Development Act of 1986. This section also requires losses to hydropower as a result of the reallocation of water for minimum flows and as a result of the operation of an authorized fish hatchery to be offset by a reduction in costs allocated to hydropower. The total amount of the offset may not exceed \$17,000,000 for losses resulting from the reallocation for minimum flows and \$2,200,000 for operation of the fish hatchery. The duplicative authorization in section 374 of the Water Resources Development Act of 1999 is repealed.

In section 304 of the Water Resources Development Act of 2000, the Secretary of the Army was authorized to carry out minimum flow projects to sustain tail water trout fisheries by reallocating recommended amounts of project storage at five White River basin reservoirs in Arkansas and Missouri. That authorization provided that no funds could be obligated to carry out such work until the Chief of Engineers, through a final report, determined that the work is technically sound, environmentally acceptable, and economically justified. The Chief of Engineers made this finding in the White River Minimum Flows Reallocation Study, Arkansas and Missouri, dated July 30, 2004. In this bill, the Committee is directing the Secretary to implement alternatives BS-3 and NF-7, reallocating water at only two of the five White River reservoirs, Bull Shoals and Norfolk, for the purpose of enhancing the tail water trout fishery below these dams. Section 906(e)(1) of the Water Resources Development Act of 1986 provides that projects that enhance fish and wildlife resources with national benefits shall be carried out at Federal expense. The Committee finds that the benefits of these projects are national. The non-Federal interest shall be responsible for all lands, easements, rights-of-way and relocations.

The Committee acknowledges the efforts of Mr. Forrest L. Wood in bringing all interested parties together to reach consensus on the White River Minimum Flows Reallocation Study and this legislative provision, as well as Mr. Wood's contribution as the chairman of the Arkansas State Game & Fish Commission and as a nationally renowned bass fisherman.

*Section 5040. Cambria, California*

Amends section 219(f)(48) of the Water Resources Development Act of 1992 to direct the Secretary to provide credit toward the non-Federal share of the cost of the work performed by the non-Federal interest, not to exceed \$3,000,000, if an integral part of the project.

*Section 5041. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California*

Amends sections 512 and 514 of the Water Resources Development Act of 2000 to ensure that all planning, study, design, and construction of the flood damage reduction projects at Contra Costa Canal, Oakley and Knightsen, California, and Mallard Slough, Pittsburg, California are carried out by the district engineer in San Francisco, California.

*Section 5042. Dana Point Harbor, California*

Directs the Secretary to determine the causes of water quality degradation within Dana Point Harbor, California, and if the Secretary determines the degradation to be a result of a Federal navigation project, to mitigate the degradation at Federal expense.

*Section 5043. East San Joaquin County, California*

Amends section 219(f)(22) of the Water Resources Development Act of 1992 to direct the Secretary to provide credit toward the non-Federal share of the cost of the work performed by the non-Federal interest, if determined by the Secretary to be an integral part of the project, and to allow the non-Federal share to be provided in the form of in-kind contributions.

*Section 5044. Eastern Santa Clara Basin, California*

Amends section 111 of Division B Public Law 106-554 to increase the authorization for the Secretary to participate in investigations relating to sites that are sources of perchlorate in groundwater in Santa Clarita, California, from \$7,000,000 to \$10,000,000.

*Section 5045. Pine Flat Dam and Reservoir, California*

Directs the Secretary to review the Kings River Fisheries Management Program Framework Agreement and authorizes \$20,000,000 for the Secretary to participate in the management program, if feasible, using data and environmental documentation from the Report of the Chief of Engineers, Pine Flat Dam and Reservoir, Fresno County, California, dated July 19, 2002. Authorizes credit towards the non-Federal share of the cost of the project for work carried out by the non-Federal interest, if integral to the project.

*Section 5046. Sacramento Deep Water Ship Channel, California*

Authorizes the Secretary to transfer the title of the Bascule Bridge near the Sacramento Deep Water Ship Channel, California project to the city of West Sacramento, California, and authorizes \$5,000,000 for the Secretary to participate in the construction of a replacement bridge.

*Section 5047. San Francisco, California*

Authorizes \$20,000,000 for the Secretary to participate in efforts related to navigation- related facilities.

*Section 5048. San Francisco, California, waterfront area*

Declares a portion of the San Francisco, California, waterfront to be nonnavigable.

*Section 5049. Santa Venetia, California*

Directs the Secretary to carry out a small flood damage reduction project under section 205 of the Flood Control Act of 1958, if feasible, notwithstanding any policy relating to the volume of water flows. This section also authorizes the non-Federal interest to increase its participation in the project, to the extent necessary to implement the project.

*Section 5050. Stockton, California*

Directs the Secretary to reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, to determine the eligibility of such elements for reimbursement under section 211 of the Water Resources Development Act of 1996. Directs the Secretary to provide reimbursement if such elements of the project are feasible, notwithstanding any policies concerning frequency of flooding, size of the drainage area, or the amount of runoff.

*Section 5051. Victor V. Veysey Dam, California*

Redesignates the Prado Dam as the "Victor V. Veysey Dam".

*Section 5052. Whittier, California*

Directs the Secretary to carry out a project for flood damage reduction in the vicinity of Whittier, California, under section 205 of the Flood Control Act of 1948, notwithstanding any policy relating to the size of flows to be addressed by the project.

*Section 5053. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut*

Redesignates a breakwater in New Haven Harbor, Connecticut, as the "Charles Hervey Townshend Breakwater."

*Section 5054. Christina River shipwreck, Delaware*

Authorizes the Secretary to remove debris associated with the steamship "State of Pennsylvania" and other derelict vessels from the Christina River, Delaware.

*Section 5055. Anacostia River, District of Columbia, Maryland, and Virginia*

Directs the Secretary to develop a comprehensive plan for the restoration of the Anacostia River and its tributaries.

*Section 5056. Florida Keys water quality improvements*

Authorizes the Secretary to credit toward the non-Federal share, the cost of project work carried out prior to the execution of the

partnership agreement if the Secretary determines that the work is integral to the project.

*Section 5057. Lake Worth, Florida*

Authorizes the Secretary to carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida.

*Section 5058. Lake Lanier, Georgia*

Authorizes the Secretary to assist with the planning, design, and construction of the Lake Lanier Olympic Center, Georgia, at a total cost of \$5,300,000.

*Section 5059. Riley Creek Recreation Area, Idaho*

Authorizes the Secretary to carry out the Riley Creek Recreation Area Master Plan for the Corps of Engineers project at Albeni Falls Dam, Bonner County, Idaho.

*Section 5060. Reconstruction of Illinois flood protection projects*

Authorizes \$30,000,000 for the Secretary to participate in the reconstruction of certain levees on the Mississippi River if the Secretary determines that reconstruction is not required due to improper operation and maintenance.

*Section 5061. Kaskaskia River Basin, Illinois, restoration*

Authorizes the Secretary to develop a comprehensive plan for the purpose of restoring the Kaskaskia River Basin.

*Section 5062. Floodplain mapping, Little Calumet River, Chicago, Illinois*

Directs the Secretary to provide assistance for a project to develop maps identifying flood inundation areas along the Little Calumet River, Chicago, Illinois.

*Section 5063. Natalie Creek, Midlothian and Oak Forest, Illinois*

Directs the Secretary to carry out a small project for flood damage reduction under section 205 of the Flood Control Act of 1948 at Natalie Creek, Midlothian and Oak Forest, Illinois, if feasible, notwithstanding any policy relating to minimum water flows.

*Section 5064. Illinois River Basin Restoration*

Extends the authorization for restoration of the Illinois River Basin until 2010. This section modifies the existing authority that allows the non-Federal share to be met through in-kind services by specifying that such services must have taken place within five years of the project or activity begin carried out. This section also authorizes non-profit entities to serve as non-Federal interests, with the consent of the affected local government, and directs the Secretary to develop an Illinois River basin monitoring program. In developing and implementing the computerized inventory and analysis system for the project, the Secretary is directed to incorporate data provided by the State of Illinois from the Illinois River Decision Support System.

*Section 5065. Promontory Point, Lake Michigan, Illinois*

Directs the Secretary to reevaluate the feasibility of constructing the Promontory Point section of the project authorized by Section 101(a)(12) of the Water Resources Development Act of 1996, matching the original limestone step design.

*Section 5066. Burns Waterway Harbor, Indiana*

Directs the Secretary to conduct a study of shoaling in the vicinity of Burns Waterway Harbor, Indiana, and if the shoaling is a result of the Federal navigation project, directs the Secretary to carry out a project to mitigate the shoaling.

*Section 5067. Calumet Region, Indiana*

Amends section 219(f)(12) of the Water Resources Development Act of 1992 to authorize credit for work carried out by the non-Federal interest, if integral to the project.

*Section 5068. Floodplain Mapping, Missouri River, Iowa*

Directs the Secretary to provide assistance to develop maps identifying flood inundation areas in the State of Iowa along the Missouri River.

*Section 5069. Rathbun Lake, Iowa*

Directs the Secretary to provide water supply to the Rathbun Regional Water Association with costs allocated pursuant to existing law, and to provide credit towards these costs for certain in-kind contributions.

*Section 5070. Cumberland River Basin, Kentucky*

Directs the Secretary to continue to charge water storage fees that were in effect on October 1, 2002, at the reservoirs in the Cumberland River basin, Kentucky.

*Section 5071. Louisville, Kentucky*

Amends Section 557 of the Water Resources Development Act of 1999 to include Louisville, Kentucky.

*Section 5072. Mayfield Creek and Tributaries, Kentucky*

Directs the Secretary to conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal navigation project, and to mitigate any damage resulting from the navigation project.

*Section 5073. North Fork, Kentucky River, Breathitt County, Kentucky*

Directs the Secretary to rebuild a structure impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, to reduce flood damages, at a cost of \$1,800,000.

*Section 5074. Paducah, Kentucky*

Directs the Secretary to complete the feasibility report for the rehabilitation of the project for flood damage reduction, Paducah, Kentucky, and if feasible, to carry out the project at a total cost of \$3,000,000.

*Section 5075. Southern and Eastern Kentucky*

Authorizes the Secretary to use 10% of appropriated amounts for administrative expenses.

*Section 5076. Winchester, Kentucky*

Authorizes technical, planning, and design assistance for a wastewater infrastructure project, Winchester, Kentucky.

*Section 5077. Baton Rouge, Louisiana*

Amends section 219(f)(21) of the Water Resources and Development Act of 1992 to increase the authorization level to \$35,000,000.

*Section 5078. Calcasieu Ship Channel, Louisiana*

Directs the Secretary to expedite completion of the dredged material management plan for the Calcasieu Ship Channel, Louisiana.

*Section 5079. Cross Lake, Shreveport, Louisiana*

Authorizes the Secretary to accept funds from the Department of the Air Force, to construct a water intake facility in Shreveport, Louisiana, to benefit the community and the Air Force Base.

*Section 5080. West Baton Rouge Parish, Louisiana*

Amends section 517 of the Water Resources Development Act of 1999 to make a technical correction to the description of a project.

*Section 5081. Charlestown, Maryland*

Authorizes the Secretary to carry out a project for non-structural flood control, Charlestown, Maryland, to include land acquisition from willing sellers, and authorizes \$2,000,000 to carry out this section.

*Section 5082. Delmarva Conservation Corridor, Maryland and Delaware*

Authorizes the Secretary to provide technical assistance to the Secretary of Agriculture in carrying out projects under the Conservation Corridor Demonstration Program, and to coordinate and integrate activities of the Secretary of the Army with activities of the Secretary of Agriculture in such conservation corridor.

*Section 5083. Massachusetts Dredged Material Disposal Sites*

Authorizes the Secretary to cooperate with Massachusetts in management and long-term monitoring of aquatic dredged material disposal sites within the Commonwealth and to accept funds from the Commonwealth to carry out such activities.

*Section 5084. Ontonagon Harbor, Michigan*

Directs the Secretary to conduct a study of shore damage in the vicinity of the project for navigation, Ontonagon Harbor, Michigan, and if the Secretary determines the damage is the result of the navigation project, directs the Secretary to carry out a project to mitigate the damage.

*Section 5085. St. Clair River and Lake St. Clair, Michigan*

Authorizes the Secretary to carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management

plan for St. Clair River and Lake St. Clair, Michigan, at a Federal cost not to exceed \$5,000,000.

*Section 5086. Crookston, Minnesota*

Directs the Secretary to carry out an emergency streambank protection project in the vicinity of Highway 2, Crookston, Minnesota, at a total cost of \$6,500,000, if feasible.

*Section 5087. Garrison and Kathio Township, Minnesota*

Amends section 219(f)(61) of the Water Resources Development Act of 1992 to specify the entity to receive assistance, to increase the authorization of appropriations, and to authorize the Secretary to use the contracting procedures developed under section 569 of the Water Resources Development Act of 1999 in carrying out this authority.

*Section 5088. Minneapolis, Minnesota*

Directs the Secretary to convey by quitclaim deed on behalf of the United States to the City of Minneapolis, Minnesota, the War Department (Fort Snelling Interceptor) Tunnel.

*Section 5089. Northeastern Minnesota*

Amends section 569 of the Water Resources Development Act of 1999 to change the geographic scope of the authorization, to authorize non-profit entities to serve as non-Federal sponsors, and to allow 10% of amounts appropriated to be used for administrative expenses. This section also directs the Secretary to reimburse the non-Federal interest for the project in Biwabik, Minnesota, that portion of the project costs that exceed the non-Federal share of project costs.

*Section 5090. Harrison, Hancock, and Jackson Counties, Mississippi*

Authorizes the Secretary to accept any portion of the non-Federal share of the cost of ecosystem restoration projects within Harrison, Hancock, and Jackson counties, Mississippi, in the form of in-kind contributions.

*Section 5091. Mississippi River, Missouri, and Illinois*

Authorizes the Secretary to carry out environmental restoration activities at the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, as part of operation and maintenance of the project.

*Section 5092. St. Louis, Missouri*

Amends section 219(f)(32) of the Water Resources Development Act of 1992 to increase the authorization of appropriations to \$35,000,000.

*Section 5093. Acid Brook, Pompton Lakes, New Jersey*

Directs the Secretary to carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 for Acid Brook, Pompton Lakes, if the Secretary determines that the project is feasible, notwithstanding any policy regarding minimum water flows.

*Section 5094. Hackensack Meadowlands area, New Jersey*

Amends ecosystem management project program authorized under section 324 of the Water Resources Development Act of 1992 to change the non-Federal interest, expand the scope of the authorization, allow credit for in-kind services, and increase the authorization of appropriations.

*Section 5095. Central New Mexico, New Mexico*

Amends Section 593 of the Water Resources Development Act of 1999 to increase the authorization of appropriations to \$40,000,000, and to allow 10% of amounts appropriated to be used for administrative expenses.

*Section 5096. Atlantic coast of New York*

Amends monitoring program authorized under section 404(a) of the Water Resources Development Act of 1992 to clarify the scope of the program, require annual reports, extend the authorization, and authorize a tsunami warning system

*Section 5097. College Point, New York City, New York*

Authorizes the Secretary to give priority to environmental dredging in College Point, New York City, New York.

*Section 5098. Flushing Bay and Creek, New York City, New York*

Directs the Secretary to provide credit for the cost of work performed by the non-Federal interest for ecosystem restoration for Flushing Bay and Creek, New York City, New York, if an integral part of the project.

*Section 5099. Hudson River, New York*

Authorizes \$5,000,000 for the Secretary to participate with the State of New York, New York City, and the Hudson River Park Trust, in carrying out activities to restore critical marine habitat, improve safety, and protect and rehabilitate critical infrastructure.

*Section 5100. Mount Morris Dam, New York*

Authorizes the Secretary to make improvements to the access road for Mount Morris Dam, New York, to provide safe access to the Federal visitor's center.

*Section 5101. Onondaga Lake, New York*

Increases the authorization for the environmental restoration program at Onondaga Lake, New York, to \$30,000,000 and allows non-profit entities to be non-Federal sponsors.

*Section 5102. John H. Kerr Dam and Reservoir, North Carolina*

Directs the Secretary to expedite a revised permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina.

*Section 5103. Stanly County, North Carolina*

Amends section 219(f)(64) of the Water Resources Development Act of 1992 to expand the scope of the authority.

*Section 5104. W. Kerr Scott Dam and Reservoir, North Carolina*

Authorizes the Secretary to remove debris from the joint intake at the W. Kerr Scott Dam and Reservoir, North Carolina.

*Section 5105. Ohio*

Amends section 594 of the Water Resources Development Act to increase the authorization of appropriations to \$100,000,000.

*Section 5106. Toussaint River, Ohio*

Authorizes the Secretary to transfer a dredge to the non-Federal interest at the project for navigation, Toussaint River, Ohio, and, upon transfer of the dredge and payment of the net present value of future dredging costs, releases the Secretary from responsibility for dredging such river.

*Section 5107. Eugene, Oregon*

Directs the Secretary to conduct a study of the feasibility of restoring the millrace in Eugene, Oregon, and, if feasible, carry out the restoration. Directs the Secretary to include non-economic benefits when determining feasibility.

*Section 5108. John Day Lock and Dam, Lake Umatilla, Oregon and Washington*

Directs the Secretary to pay \$2,500,000 for research and curation support provided to the Federal Government as a result of the multi-purpose project and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

*Section 5109. Lowell, Oregon*

Authorizes the Secretary to convey land in Lowell, Oregon.

*Section 5110. Allegheny County, Pennsylvania*

Amends Section 219(f)(66) of the Water Resources Development Act of 1992 by directing the Secretary to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 5111. Lehigh River, Lehigh County, Pennsylvania*

Authorizes \$500,000 for the Secretary to use existing water quality data to model the effects of the Francis E. Walter Dam, to determine is impact on water and related resources in and along the Lehigh River in Lehigh County, Pennsylvania.

*Section 5112. Northeast Pennsylvania*

Amends section 219(f)(11) of the Water Resources Development Act of 1992 to modify the geographic scope of the authorization.

*Section 5113. Upper Susquehanna River Basin, Pennsylvania and New York*

Amends the authorization for flood damage reduction and environmental restoration under section 567 of the Water Resources Development Act of 1996 to clarify the Secretary's authority to implement the program, to increase the authorization of appropriations, and to authorize pilot projects not to exceed \$500,000. The

amendment also substitutes the word “cooperative” for the word “cooperation” in describing the agreements under which the Corps can obtain the assistance of non-Federal interests in carrying out the project. This will clarify that the Corps may work directly with public and non-profit organizations with expertise in wetland and stream restoration, including non-profit organizations, such as Ducks Unlimited, and local soil and water conservation districts. In implementing the strategy, priority is given to a project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004. Finally, the amendment provides for credit against the non-Federal share of work done by local sponsors where such work is integral to the project and acceptance of in-kind services and materials provided by non-Federal interests.

*Section 5114. Cano Martin Pena, San Juan, Puerto Rico*

Directs the Secretary to review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if feasible, authorizes the Secretary to carry out the project at a total cost of \$130,000,000, with an estimated Federal cost of \$85,000,000 and an estimated non-Federal cost of \$45,000,000. Because the non-Federal report was in fact prepared by the Corps of Engineers under its authority to perform work for others, the Committee expects the review to be prompt and less expensive than a review of a study proposed by an outside entity.

*Section 5115. Beaufort and Jasper Counties, South Carolina*

Authorizes the Secretary to accept and use \$23,000,000 from the United States Navy to assist Beaufort and Jasper Counties, South Carolina, with its plan to consolidate civilian and military wastewater facilities.

*Section 5116. Fritz Landing, Tennessee*

Directs the Secretary to conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to bring the levee and associated drainage structures up to Federal standards, to design and construct such modifications, and to incorporate the levees into the project for flood control, Mississippi River and Tributaries.

*Section 5117. J. Percy Priest Dam and Reservoir, Tennessee*

Directs the Secretary to construct a trail system at the J. Percy Priest Dam and Reservoir, Ohio River Basin, Tennessee.

*Section 5118. Town Creek, Lenoir City, Tennessee*

Directs the Secretary to construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon County, Tennessee, in accordance with the feasibility report of the Nashville district engineer dated November 2000.

*Section 5119. Tennessee River partnership*

Authorizes the Secretary to enter into a partnership with a non-profit entity to remove debris from the Tennessee River in the vi-

cinity of Knoxville, Tennessee, by providing the non-profit entity with a vessel for debris removal, at Federal expense, not to exceed \$500,000.

*Section 5120. Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi*

Authorizes \$5,000,000 for the Secretary to participate with non-Federal, non-profit entities to address issues related to groundwater as a sustainable resource through the Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi. The University of Memphis Groundwater Institute, has significant expertise in the Upper Mississippi River Embayment. Under this section, the Secretary may work with the University of Memphis to conduct a study of the feasibility of managing ground water as a sustainable resource throughout the Mississippi Embayment and to coordinate ground water and surface water protection programs.

*Section 5121. Bosque River Watershed, Texas*

Directs the Secretary to develop a comprehensive plan for restoring, preserving, and protecting the Bosque River Watershed, Texas, and authorizes \$5,000,000 to develop the plan and implement projects to demonstrate practicable alternatives. Authorizes the Secretary to work with public, non-profit entities in carrying out this section. The Committee is aware that Texas A&M University possesses the capability to assist the Secretary under this authority.

*Section 5122. Dallas Floodway, Dallas, Texas*

Directs the Secretary to carry out the local plan for the project for flood damage reduction, Dallas Floodway, Dallas, Texas, if technically sound and environmentally acceptable, at a total cost of \$194,000,000. Authorizes credit for work performed by the non-Federal interest, if integral to the project authorized by this section.

*Section 5123. Harris County, Texas*

Amends section 575(a) of the Water Resources Development Act of 1996 to ensure that measures funded, in part, by the hazard mitigation grant program of the Federal Emergency Management Agency are considered measures taken by the non-Federal interest, for the purpose of evaluating the pre-project conditions. This section also adds the project for flood control, Upper White Oak Bayou, Texas, to the list of projects covered by this section.

*Section 5124. Onion Creek, Texas*

Directs the Secretary to include costs and benefits associated with relocations occurring during the 2-year period of time before the feasibility study as project costs and benefits, and to provide credit toward the non-Federal share for the cost of relocations carried out before the date of the cooperation agreement, if integral to the project.

*Section 5125. Dyke Marsh, Fairfax County, Virginia*

Authorizes the Secretary to accept funds from the National Park Service to restore Dyke Marsh, Fairfax County, Virginia.

*Section 5126. Eastern Shore and Southwest Virginia*

Amends Section 219(f)(10) of the Water Resources Development Act of 1992 to include environmental restoration as a project purpose and to direct the Secretary to provide credit toward the non-Federal share of the cost of the project for work that is integral to the project.

*Section 5127. James River, Virginia*

Authorizes the Secretary to accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with emphasis on locations along the shoreline impacted by Hurricane Isabel.

*Section 5128. Baker Bay and Ilwaco Harbor, Washington*

Directs the Secretary to conduct a study to determine if increased siltation is the result of a Federal navigation project and, if so, to mitigate the siltation in the Baker Bay and Ilwaco Harbor, Washington.

*Section 5129. Hamilton Island campground, Washington*

Authorizes the Secretary to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island in Skamania County, Washington.

*Section 5130. Puget Island, Washington*

Directs the Secretary to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, at a Federal cost not to exceed \$1,000,000.

*Section 5131. Willapa Bay, Washington*

Amends Section 545 of the Water Resources Development Act of 2000 to direct the Secretary to construct the project for coastal erosion protection, Willapa Bay, Washington, and to expand the authority to include ecosystem restoration.

*Section 5132. Bluestone, West Virginia*

Amends section 547 of the Water Resources Development Act of 2000 to allow the hydroelectric power feature of the Bluestone, West Virginia, project to be privately constructed and owned.

*Section 5133. West Virginia and Pennsylvania flood control*

Amends section 581 of the Water Resources Development Act of 1996 to expand the scope of the authority and to increase the authorization ceiling to \$90,000,000.

*Section 5134. Lower Kanawha River Basin, West Virginia*

Directs the Secretary to conduct a watershed and river basin assessment for the Lower Kanawha River Basin, in certain counties in West Virginia.

*Section 5135. Central West Virginia*

Amends section 571 of the Water Resources Development Act of 1999 to modify the geographic scope of the authorization, to allow non-profit entities to serve as non-Federal interests, and to allow

10% of appropriated amounts to be used for administrative expenses.

*Section 5136. Southern West Virginia*

Amends section 340 of the Water Resources Development Act of 1992 to modify the geographic scope of the authorization, to allow non-profit entities to serve as non-Federal interests, and to allow 10% of appropriated amounts to be used for administrative expenses.

*Section 5137. Johnsonville Dam, Johnsonville, Wisconsin*

Directs the Secretary to conduct a study of the Johnsonville Dam, to determine if the structure prevents ice jams on the Sheboygan River.

*Section 5138. Construction of flood control projects by non-Federal interests*

Adds the following projects to the list of projects that may be constructed by non-Federal interests under section 211(f) of the Water Resources Development Act of 1996: (1) Buffalo Bayou, Texas; (2) Halls Bayou, Texas; (3) St. Paul Downtown Airport (Holman Field), St. Paul, Minnesota; (4) Thornton Reservoir, Cook County, Illinois; (5) Larose to Golden Meadow, Louisiana; and, (6) Perris, California.

*Section 5139. Use of Federal hopper dredge fleet*

Directs the Secretary to conduct a study and issue a report to Congress on the appropriate use of the Federal hopper dredge fleet. The study shall determine the appropriate use of the fleet, analyze costs and benefits of existing and proposed restrictions, and assess the data and procedure used by the Secretary to prepare cost estimates for work performed by the Federal hopper dredge fleet.

TITLE VI—FLORIDA EVERGLADES

*Section 6001. Hillsboro and Okeechobee Aquifer, Florida*

Subsection (a) amends section 101(a)(16) of the Water Resources Development Act of 1999 to increase the authorization for the Hillsboro and Okeechobee aquifer storage and recovery project.

Subsection (b) amends section 601 of the Water Resources Development Act of 2000 to direct that the Hillsboro and Okeechobee aquifer storage and recovery project be treated as part of the Comprehensive Everglades Restoration Plan, except that operation and maintenance shall remain a non-Federal responsibility.

*Section 6002. Pilot Projects*

Increases the authorization for the Everglades pilot projects authorized under section 601(b) of the Water Resources Development Act of 2000.

*Section 6003. Maximum Cost of Projects*

Amends section 601(b) to ensure that section 902 of the Water Resources Development Act of 1986 applies to new Everglades projects authorized under section 601(d) of the Water Resources Development Act of 2000.

*Section 6004. Project authorization*

Amends section 601(d) of the Water Resources Development Act of 2000 to authorize the project for ecosystem restoration, Indian River Lagoon South, Florida, substantially in accordance with the Indian River Lagoon South, Florida report of the Chief of Engineers, dated August 6, 2004. The Committee is aware that components of the Indian River Lagoon South, Florida, project for ecosystem restoration depend on the completion of other components of the Comprehensive Everglades Restoration Plan. For example, dredging for muck removal should not take place until the quantity and quality of flows into the Lagoon from Lake Okeechobee are resolved. The Committee expects the Secretary to sequence the construction of this project in a cost-effective manner that avoids duplication of effort.

*Section 6005. Credit*

Amends section 601(e) of the Water Resources Development Act of 2000 to authorize credit for work on Everglades restoration projects carried out before the date of a partnership agreement between the Secretary and the non-Federal sponsor, and to authorize to Secretary to enter into an agreement with the non-Federal sponsor to specify conditions relating to design and construction of such work. The Committee is concerned about the practice of the non-Federal sponsor performing work on the project without a written agreement with the Corps, and then relying upon legislation to receive credit against the non-Federal share. Consistent with section 2016 of this bill, for future work to be considered eligible for credit, it must be performed under a written agreement with the Secretary.

*Section 6006. Outreach and assistance*

Specifies that up to \$3,000,000 a year may be expended on outreach and assistance authorized under section 601(k) of the Water Resources Development Act of 2000.

*Section 6007. Critical restoration projects*

Increases the authorization for critical Everglades restoration projects authorized under section 528 of the Water Resources Development Act of 1996.

*Section 6008. Deauthorizations*

Deauthorizes the uncompleted portions of projects that have been superseded by the Indian River Lagoon South, project for ecosystem restoration.

*Section 6009. Modified water delivery*

Prohibits the Secretary from carrying out a project to raise Tamiami Trail, unless the project is specifically authorized by law. Directs the Secretary to submit to Congress recommendations for (1) any necessary changes to the project for modifying water deliveries to Everglades National Park, (2) a project, if necessary, to raise Tamiami Trail, and (3) a combined structural and an operational plan for the C-111 project and the project to modify water deliveries to Everglades National Park.

The Committee is aware of suggestions that it may be cost-effective to carry out a Comprehensive Everglades Restoration Plan (CERP) project for raising Tamiami Trail concurrently with the project for modifying water deliveries to Everglades National Park. CERP projects have specific project development and cost-sharing requirements set forth in section 601 of the Water Resources Development Act of 2000. Moreover, a project to raise Tamiami Trail is not currently authorized. If the Secretary wishes to carry out a project to raise Tamiami Trail, the Secretary must first submit to Congress a report recommending such a project, with the participation of a non-Federal interest willing to undertake the cost-sharing responsibilities required by section 601 of the Water Resources Development Act of 2000. If the Secretary wishes to carry out a project to raise Tamiami Trail concurrently with the modified water delivery project, the Secretary also must submit a report to Congress recommending changes to the modified water delivery project that explain how that project would be combined with a CERP project. This report must explain what project elements are authorized under section 104 of the Everglades National Park Protection and Expansion Act of 1989, to be fully funded by the Department of the Interior, and what project elements are part of CERP, to be cost-shared on a 50–50 basis between the State of Florida and the Corps of Engineers. Finally, because the operation of the modified water delivery project and the C–111 project are integrally related to one another and to a determination of whether or not Tamiami Trail needs to be raised, the Secretary must submit to Congress a report explaining how these projects will operate. Many of these issues have been discussed for years, but little progress has been made towards resolution. The Committee is willing to work with all interested parties to seek resolution of these issues as it moves forward with this Water Resources Development Act. Before this bill becomes law, it is the Committee's goal to replace the language of this section with language that would establish a new authorization and a clear way forward that will address the issues, once and for all, related to increasing flows to the Everglades across the Tamiami Trail. The August 31, 2005, deadline for the submission of reports to Congress in the introduced bill was intended to facilitate achievement of that goal. Although the deadline has been removed from the bill as reported by the Committee, no one should interpret that to mean that years more debate on these matters is acceptable. This section does not presume any specific outcome, but the Committee wants to achieve a final resolution of these matters with appropriate cost-sharing, so that the project to improve water deliveries the Everglades National Park may finally proceed. Pending completion of these projects, the Committee directs the Secretary to make every effort to increase water flows to the Everglades National Park by clearing existing culverts and taking other measures to improve the efficiency of existing structures. A continued lack of action following the original modified water delivery project authorization of 1989 is unacceptable. Substantial portions of CERP depend upon an operating modified water delivery project to be effective.

## TITLE VII—LOUISIANA COASTAL AREA

*Section 7001. Definitions*

Provides definitions for “Coastal Louisiana Ecosystem,” “Governor,” “Plan,” and “Task Force.”

*Section 7002. Additional reports*

Directs the Secretary to submit to Congress reports recommending modifications to the Mississippi River Gulf Outlet and the Chenier Plain. Also directs the Secretary to develop, within one year, a framework for the development of a long-term, comprehensive restoration plan for the Louisiana Coastal Area, and to submit to Congress, within five years, a report recommending such a plan.

*Section 7003. Coastal Louisiana Ecosystem Protection and Restoration Task Force*

Establishes an interagency task force to make recommendations to the Secretary regarding protection, conservation, and restoration of the coastal Louisiana ecosystem, as well as recommendations regarding how each agency can contribute to the restoration efforts under the agency's own authorities.

*Section 7004. Investigations*

Authorizes the Secretary to conduct feasibility studies for additional projects for the protection, conservation, and restoration of the coastal Louisiana ecosystem. Directs the Secretary to review existing water resources projects for consistency with restoration efforts.

*Section 7005. Construction*

Authorizes a program for reducing uncertainties regarding restoration of the coastal Louisiana ecosystem, including demonstration projects, and projects for the beneficial reuse of dredged material. The Committee believes that the demonstration projects may be developed and carried out to test the technologies, models, and methods that are identified in the ecosystem program to reduce uncertainties in the scientific and cultural baseline conditions. Also authorizes the following initial projects:

- (1) Mississippi River Gulf Outlet Environmental Restoration.
- (2) Small Diversion at Hope Canal.
- (3) Barataria Basin Barrier Shoreline Restoration.
- (4) Small Bayou Lafourche Reintroduction.
- (5) Medium Diversion at Myrtle Grove.

*Section 7006. Non-federal cost share*

Authorizes credit toward the non-Federal cost share for work carried out by the non-Federal sponsor, if integral to the project. Authorizes monitoring of cost-sharing contributions.

*Section 7007. Project justification*

Authorizes the Secretary to determine that projects to protect, conserve, and restore the coastal Louisiana Ecosystem are justified based on environmental benefits, unless the project is primarily intended to produce economic benefits.

*Section 7008. Statutory construction*

Clarifies that nothing in this title affects the authorities of other agencies or creates any new regulatory authorities.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY  
SYSTEM

*Section 8001. Definitions*

Establishes definitions for the term “Plan” and “Upper Mississippi River and Illinois Waterway System.”

*Section 8002. Navigation Improvements and Restoration*

Authorizes the Secretary to undertake navigation improvements and ecosystem restoration substantially in accordance with the Plan.

*Section 8003. Authorization of construction of navigation improvements*

Authorizes navigation improvements consisting of small scale and nonstructural measures and seven new 1,200 foot locks. This subsection also specifies that mitigation for these projects shall be concurrent with construction.

*Section 8004. Ecosystem Restoration Authorization*

Authorizes environmental improvements including modifications to the operation of the Upper Mississippi River and Illinois Waterway System to improve the ecological integrity of the rivers, and ecosystem restoration projects in accordance with the Plan, establishes cost-sharing rules, and requires restoration goals, performance measures, measurable outcomes, and monitoring. Also requires reports to Congress regarding implementation of ecosystem restoration projects and the development of a ranking system for ecosystem restoration projects.

*Section 8005. Comparable progress*

Requires a determination of whether projects are being carried out at a comparable rate and, if not, adjustment of annual funding requests.

ADDITIONAL MATTERS

In this legislation, the Committee authorizes or extends the authorization of various activities for the Corps of Engineers to participate in the management of water resources in the Great Lakes. In addition to these specific authorities, the Corps of Engineers is authorized to provide assistance to other Federal agencies on a reimbursable basis. In carrying out all of these authorities, the Committee expects the Corps of Engineers to be a full participant in the Great Lakes Task Force, created by Executive Order No. 13340 in May 2004.

The Committee is aware of the plan, in accordance with Public Law 99–662, to acquire 1750 acres of bottomland hardwoods in Little Rock, Arkansas, as part of the Fourche Bayou project. The Committee views this as an inseparable part of the overall project.

The Committee is concerned about the failure, in recent years, to adequately maintain many shallow draft ports and inlets and cer-

tain inland waterways. The Nation's navigation system is an integrated transportation system. While individual components may receive different levels of use, much of the cargo that ends up at high use ports and waterways first passes through low use ports and waterways. The use of an individual port or waterway cannot be viewed in isolation. It must be viewed as part of the overall system. Moreover, uncertain funding makes reduction in the use of a port or a waterway become a self-fulfilling prophecy. This is directly contrary to the policy objective, articulated by this Committee and by the Secretary of Transportation in testimony before this Committee, of increasing the use of waterways as an alternative to reduce congestion in other transportation modes. The Committee agrees with the assessment of the Senate Committee on Appropriations, expressed in Senate Report 109-84, that the de facto deauthorization of ports and waterways through lack of maintenance demonstrates a profound lack of respect for Congressional authorizing and oversight Committees.

The Committee also is concerned about the repeated delay in maintenance dredging of the Snake River, a major transportation route in the Pacific Northwest. The Snake River is an authorized Federal navigation channel. The Committee urges the Corps of Engineers to expedite completion of the Environmental Impact Statement for this work, sign a Record of Decision, and proceed with the maintenance work recommended in the Record of Decision.

The Committee requests the Department of the Army to consider longer tours of duty for District Commanders in Corps of Engineers district offices. Frequent turnover of the commanding officer leads to a lack of continuity. Frequently, just as a District Commander learns the complex water resources issues and challenges of his or her district, the District Commander is assigned to another post. Frequent turnover also results in a lack of accountability for decisions.

The Committee has increasingly heard concerns from members of Congress regarding the backlog in the processing of permits under section 404 of the Clean Water Act. In particular, the Jacksonville District of the Corps of Engineers processes  $\frac{1}{8}$  of all the permits wide. The Committee directs the Chief of Engineers to examine permitting workload and consider changing the boundaries for permitting responsibilities to better distribute that workload. Also, the Committee directs the Chief of Engineers to work with States to find additional ways within current authority to expedite permit processing. The Chief of Engineers shall make each State aware of the authority in the Clean Water Act to authorize States to implement a wetlands permitting program in lieu of the Federal program.

This year, several members have brought to the attention of the Committee concerns regarding the Corps' assertion of jurisdiction under section 10 of the Rivers and Harbors Act of 1899 over activities in Louisiana and Washington State that may be exempt from regulation under section 404(f) of the Clean Water Act. The Committee understands that, prior to the development of flood control projects, floodplains extending over many thousands of acres were periodically inundated. However, through the construction of levees and dikes, much land has been cut off from the flood plain and has been developed or cultivated. The Committee requests two opinions

from the Chief Counsel of the Corps of Engineers. The first opinion should determine whether activities that are exempt from permits under section 404(f) of the Clean Water Act and take place on land that is not navigable in fact, can, as a matter of law, be subject to section 10 jurisdiction. The second opinion should determine whether land that is not navigable in fact, and is completely cut off from a navigation channel by a man-made structure such as a levee or dike can, as a matter of law, be subject to section 10 jurisdiction.

The Committee has received several proposals to provide authorizations to address impacts to endangered species. The Committee believes that the Corps of Engineers does not need specific authorization to comply with the Endangered Species Act. In addition, mitigation of damages to fish and wildlife resulting from any water resources project is authorized under section 906(b) of the Water Resources Development Act of 1986.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Subcommittee on Water Resources and Environment held two days of hearings on projects, programs and policies during the development of the Water Resources Development Act of 2005 on March 10, 2005 and March 16, 2005. On March 10, 2005 the Water Resources and Environment Subcommittee held a hearing on FY 2006 Budget and Priorities of the U.S. Army Corps of Engineers. Testimony was received from John Paul Woodley, Jr., the Principal Deputy Assistant Secretary of the Army for Civil Works and, LTG Carl A. Strock, Chief of Engineers, U.S. Army Corps of Engineers. On March 16, 2005, the Subcommittee on Water Resources and Environment met to receive testimony from Members of Congress regarding their requests for water resources projects in the Water Resources Development Act of 2005.

H.R. 2864, the Water Resources Development Act of 2005, was introduced on June 13, 2005, by Chairman Young, Ranking Member Oberstar, Subcommittee Chairman Duncan, and Subcommittee Ranking Member Eddie Bernice Johnson.

On June 16, 2005, the Subcommittee on Water Resources and Environment marked up H.R. 2864, approved by voice vote a manager's amendment offered by Mr. Duncan, and reported the bill, as amended, favorably to the Full Committee by voice vote. The Transportation and Infrastructure Committee met in open session June 22, 2005 and adopted by voice vote a manager's amendment, offered by Mr. Duncan. The Committee ordered the bill H.R. 2864, as amended, favorably reported to the House by voice vote.

#### ROLL CALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. No roll call votes were taken during consideration of H.R. 2864 by the Committee.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are the improvement of navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, and environmental restoration and protection.

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2864 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 24, 2005.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2864, the Water Resources Development Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 2864—Water Resources Development Act of 2005*

Summary: H.R. 2864 would authorize the Army Corps of Engineers (Corps) to conduct water resource studies and undertake special projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the agency to conduct studies on water resource needs, to complete feasibility studies for specified projects, and to convey

ownership of certain federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for various water projects and would authorize new programs to develop water resources and protect the environment.

Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing H.R. 2864 would cost about \$4.1 billion over the 2006–2010 period and an additional \$5.9 billion over the 10 years after 2010. (Some construction costs and operations and maintenance would continue or occur after this period.)

H.R. 2864 would allow the Corps to spend any proceeds that it collects from recreational fees in excess of \$42 million a year. H.R. 2864 also would convey parcels of land to various nonfederal entities and would forgive the obligation of some local government agencies to pay certain project costs. Finally, the bill would allow the Corps to collect and spend fees collected for training courses and permit processing. CBO estimates that enacting those provisions would increase direct spending by \$13 million in 2006, \$22 million over the 2006–2010 period, and \$37 million over the 2006–2015 period. Enacting the bill would not affect revenues.

H.R. 2864 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments, and any costs incurred by those governments to comply with the conditions of this federal assistance would be incurred voluntarily.

**Estimated cost to the Federal Government:** The estimated budgetary impact of H.R. 2864 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF H.R. 2864 OVER THE 2006–2010 PERIOD

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level .....	946	901	871	851	800
Estimated outlays .....	662	905	871	849	807
CHANGES IN DIRECT SPENDING					
Estimated budget authority .....	13	3	3	*	3
Estimated outlays .....	13	3	3	*	3

Note.— \* = less than \$500,000.

**Basis of Estimate:** For this estimate, CBO assumes that H.R. 2864 will be enacted near the beginning of fiscal year 2006 and that the necessary amounts will be appropriated for each fiscal year.

#### *Spending subject to appropriation*

H.R. 2864 would authorize new projects related to environmental restoration, shoreline protection, and navigation. This bill also would modify many existing Corps projects and programs by increasing the amounts authorized to be appropriated to construct or maintain them or by increasing the federal share of project costs. Assuming appropriation of the necessary funds, CBO estimates

that implementing this bill would cost \$4.1 billion over the 2006–2010 period and an additional \$5.9 billion over the 10 years after 2010. For ongoing construction costs of previously authorized projects, the Corps received a 2005 appropriation of about \$1.8 billion, including funds from the Inland Waterway Trust Fund.

For new water projects specified in the bill, the Corps provided CBO with estimates of annual budget authority needed to meet design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between project authorization and appropriation of construction costs. Estimated outlays are based on historical spending rates for Corps projects.

**Significant New Authorizations.** H.R. 2864 would authorize the Army Corps of Engineers to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. For example, the bill includes authorizations for enhanced navigation improvements on the Upper Mississippi River at an estimated federal cost of \$1.8 billion and an ecosystem restoration project, also on the Upper Mississippi River, at an estimated federal cost of \$1.6 billion. Another large project authorized by this bill is the Indian River Lagoon project in the Florida Everglades at an estimated federal cost of \$605 million. Construction of those projects would likely take more than 15 years.

**Section 2002** would authorize an increase in the federal share of the construction, operations, and maintenance of some deepwater navigation projects. Based on information from the Corps, CBO estimates that this provision would increase federal costs by about \$275 million over the 2006–2010 period. In the 10-year period after 2010, this provision would increase the cost of authorized deepwater navigation projects by about \$500 million. This provision would add significant federal costs to deepwater navigation projects authorized in future years. The extent of those costs would be attributed to future authorization bills.

**Deauthorizations.** H.R. 2864 would withdraw the authority for the Corps to build about 40 projects authorized in previous legislation. Based on information from the Corps, however, CBO does not expect that the agency would begin any work (under current law) for most of those projects over the next five years or even much later. Some of those projects do not have a local sponsor to pay nonfederal costs, others do not pass certain tests for economic viability, and still others do not pass certain tests for environmental protection. Consequently, CBO estimates that cancelling the authority to build those projects would provide no significant savings over the next several years.

#### *Direct spending*

CBO estimates that enacting this bill would increase direct spending by \$13 million in 2006, \$22 million over the 2006–2010 period, and \$37 million over the 2006–2015 period. Components of this cost estimate are described below and summarized in table 2.

TABLE 2.—CHANGES IN DIRECT SPENDING UNDER H.R. 2864 OVER THE 2006–2015 PERIOD

	Outlays in millions of dollars, by fiscal year—									
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
CHANGES IN OUTLAYS FROM DIRECT SPENDING										
Recreation User Fees	2	2	2	2	2	2	2	2	2	2
Land Conveyances .....	0	0	0	3	0	0	0	0	0	0
Arcadia Lake, OK .....	8	0	0	0	0	0	0	0	0	0
Rathbun Lake, IA .....	2	0	0	0	0	0	0	0	0	0
White River Basin, AK	1	1	1	1	1	1	1	1	1	1
Other Direct Spending	*	*	*	*	*	*	*	*	*	*
Total Changes ..	13	3	3	*	3	3	3	3	3	3

\*= Less than \$500,000.

Notes.—Changes in budget authority would equal the estimated changes in outlays.

**Recreation User Fees.** Section 2017 would allow the Corps to spend without further appropriation any recreation fees that it earns in excess of \$42 million a year. Under existing law, all receipts collected by the Corps from such fees are deposited into a special fund from which they must be appropriated in order to be spent. The CBO baseline projection of such receipts is \$42 million a year over the next 10 years. Allowing for the possibility that these receipts could be either more or less than the projected level, we estimate that the expected value of additional direct spending under H.R. 2864 is \$2 million a year. This amount would be used for repair, maintenance, and interpretation of Corps recreation sites.

**Various Land Conveyances.** H.R. 2864 would authorize the conveyance at fair market value 650 acres of federal land at the Richard B. Russell Lake in South Carolina to the state. Based on information from the Corps, CBO estimates that the federal government would receive about \$3 million in 2009 from this sale.

The bill also would convey certain federal land in Alabama, Pennsylvania, Georgia, Oregon, Kansas, Minnesota and Missouri. CBO estimates that those conveyances would have no significant impact on the federal budget.

**Arcadia Lake, Oklahoma.** Section 3098 would eliminate the obligation of the city of Edmond, Oklahoma, to pay outstanding interest due on its water storage contract with the Corps. CBO estimates that this provision would result in a loss of receipts of about \$8 million in 2006. The city has no further obligations to pay under this storage contract.

**Rathbun Lake Project.** Section 5046 would authorize the Secretary to convey a certain portion of the water supply storage capacity of Rathbun Lake to the Rathbun Regional Water Association. In exchange, the water association would fund, construct, operate, and maintain a regional visitor center complex on federal land at Rathbun Lake in Iowa. CBO estimates that enacting this section would cost about \$2 million in 2006 because the Corps would forgo receipts that the Rathbun Regional Water Association would otherwise have to pay for the unallocated water supply storage.

**White River Basin, Arkansas.** Section 5033 would require that the Corps of Engineers permanently change its water flow plans for the White River in Arkansas. Such a change would diminish the amount of electricity that could be generated by the federal hydro-

electric project on the river, and sold by the Southeastern Power Administration (SEPA), a federal power marketing administration. Based on information from SEPA, we expect that this would reduce offsetting receipts from the sale of hydropower by about \$1 million per year, or \$10 million over the 2006–2015 period. We would expect that the losses would continue through the life of the hydroelectric project, or at least 50 years.

**Waurika Lake Project.** Section 3099 would eliminate the obligation of the Waurika Project Master Conservancy District in Oklahoma to pay its outstanding debt related to the construction of a water conveyance project. Because of an accounting error, the Corps inadvertently undercharged the district for costs associated with a land purchase related to the water project in the early 1980s. Under terms of the construction contract, the district is required to pay all costs associated with building the project, including the full cost of the land purchases. The section would eliminate the need for the district to pay the difference between the full cost and the initial undercharged amounts. CBO estimates that enacting this section would cost less than \$200,000 a year over the 2006–2015 period.

**Funding to Process Permits.** Section 2003 would make permanent the Corps' current authority to accept and spend funds contributed by private firms to expedite the evaluation of permit applications submitted to the Corps. CBO estimates that the Corps would accept and spend less than \$500,000 during each year of this extension and that the net budgetary impact of this provision would be negligible.

**Training Funds.** Section 2031 would allow the Corps to collect and spend fees collected from the private sector for training courses. CBO estimates that the Corps would accept and spend less than \$500,000 annually and that the net budgetary impact would be negligible.

**Cumberland River Basin Reservoirs.** Section 5061 would authorize the Corps to continue to charge certain reservoir projects in Kentucky and Tennessee reduced rates on municipal and industrial water supply storage. CBO estimates that enacting this provision would result in a loss of about \$25,000 in receipts each year to the Corps.

**Intergovernmental and Private-Sector Impact:** H.R. 2864 contains no intergovernmental or private-sector mandates as defined in UMRA. Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments. Governments that choose to participate in those projects would incur costs to comply with the conditions of the federal assistance, including cost-sharing requirements, but such costs would be incurred voluntarily. In addition, some state and local governments participating in ongoing water resources projects would benefit from provisions in the bill that would alter existing cost-sharing obligations. Many of those provisions would make it easier for nonfederal participants to meet their obligations by giving them credit for expenses they have already incurred or by expanding the types of expenditures counted towards the nonfederal share.

**Previous CBO Estimate:** on May 17, 2005, CBO transmitted a cost estimate for S. 728, the Water Resources Development Act of

2005, as ordered reported by the Senate Committee on Environment and Public Works on April 26, 2005. CBO estimated that enacting S. 728 would increase direct spending by \$212 million in 2006, \$1.1 billion over the 2006–2010 period, and \$2.3 billion over the 2006–2015 period. In addition, assuming appropriation of the necessary amounts, CBO estimated that implementing S. 728 would cost about \$4.1 billion over the 2006–2010 period and an additional \$7.6 billion over the 10 years after 2010. The differences in the cost estimates stem from different levels of authorized funding.

Estimate Prepared By: Federal Costs: Julie Middleton and Deborah Reis; Impact on State, local, and Tribal Governments: Marjorie Milrer and Ian Rudge; Impact on the Private Sector: Selena Calder.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1994 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 2864 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1).

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## WATER RESOURCES DEVELOPMENT ACT OF 1986

\* \* \* \* \*

### TITLE I—COST SHARING

#### SEC. 101. HARBORS.

##### (a) CONSTRUCTION.—

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) \* \* \*

(B) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of ~~45 feet~~ *53 feet*; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of ~~45 feet~~ *53 feet*.

\* \* \* \* \*

##### (b) OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—The Federal share of the cost of operation and maintenance of each navigation project for a harbor or inland harbor constructed by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act shall be 100 percent, except that in the case of a deep-draft harbor, the non-Federal interests shall be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of ~~45 feet~~ *53 feet*.

\* \* \* \* \*

#### SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

##### (a) \* \* \*

\* \* \* \* \*

##### (m) ABILITY TO PAY.—

(1) \* \* \*

(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, not later than ~~180 days after such date of enactment~~ *August 31, 2005* to reflect the requirements of such paragraph (3).

\* \* \* \* \*

(n) *NON-FEDERAL CONTRIBUTIONS.*—

(1) *PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.*—*The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.*

(2) *LIMITATION ON STATUTORY CONSTRUCTION.*—*Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c) of this Act.*

\* \* \* \* \*

**SEC. 105. FEASIBILITY STUDIES; PLANNING, ENGINEERING, AND DESIGN.**(a) *FEASIBILITY STUDIES.*—

(1) \* \* \*

\* \* \* \* \*

(3) *DETAILED PROJECT REPORTS.*—*The requirements of this subsection that apply to a feasibility study also shall apply to a study that results in a detailed project report, except that—*

(A) *the first \$100,000 of the costs of a study that results in a detailed project report shall be a Federal expense; and*  
 (B) *paragraph (1)(C)(ii) shall not apply to such a study.*

(b) *PLANNING AND ENGINEERING.*—*The Secretary shall not initiate any planning or engineering [authorized by this Act] for a water resources project until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost of the planning and engineering during the period of the planning and engineering. Costs of planning and engineering of projects for which non-Federal interests contributed 50 percent of the cost of the feasibility study shall be treated as costs of construction.*

\* \* \* \* \*

(d) *DEFINITIONS.*—*In this section, the following definitions apply:*

(1) *DETAILED PROJECT REPORT.*—*The term “detailed project report” means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed \$1,000,000, the term includes a planning and design analysis document.*

(2) *FEASIBILITY STUDY.*—*The term “feasibility study” means a study that results in a feasibility report under section 905, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.*

\* \* \* \* \*

## TITLE II—HARBOR DEVELOPMENT

\* \* \* \* \*

## SEC. 214. DEFINITIONS.

For purposes of this title—

(1) DEEP-DRAFT HARBOR.—The term “deep-draft harbor” means a harbor which is authorized to be constructed to a depth of more than ~~45 feet~~ *53 feet* (other than a project which is authorized by section 202 of this title).

\* \* \* \* \*

(3) GENERAL CARGO HARBOR.—The term “general cargo harbor” means a harbor for which a project is authorized by section 202 of this title and any other harbor which is authorized to be constructed to a depth of more than 20 feet but not more than ~~45 feet~~ *53 feet*;

\* \* \* \* \*

## TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

\* \* \* \* \*

## SEC. 602. LAKES PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

(1) \* \* \*

\* \* \* \* \*

(18) Flints Pond, Hollis, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation; ~~and~~

(19) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation~~].~~;

(20) *Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;*

(21) *McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;*

(22) *Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;*

(23) *Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;*

(24) *Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity; and*

(25) *Lake Luxembourg, Pennsylvania.*

\* \* \* \* \*

## SEC. 704. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

(a) \* \* \*

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary is further authorized to conduct projects of alternative or beneficially modified habitats for

fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed **[\$20,000,000]** *\$30,000,000* to carry out such projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. Such projects shall include—

(A) \* \* \*

\* \* \* \* \*

#### SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) \* \* \*

\* \* \* \* \*

(d) **PRIORITY RIVER BASINS AND WATERSHEDS.**—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

(1) \* \* \*

\* \* \* \* \*

(4) the Susquehanna River basin; **[and]**

(5) the Willamette River basin**[/]; and**

(6) *Tuscarawas River Basin, Ohio.*

(7) *Sauk River Basin, Snohomish and Skagit Counties, Washington.*

(8) *Niagara River Basin, New York.*

(9) *Genesee River Basin, New York.*

\* \* \* \* \*

(f) **COST-SHARING REQUIREMENTS.**—

**[(1) NON-FEDERAL SHARE.**—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.]

*(1) NON-FEDERAL SHARE.*—*The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.*

\* \* \* \* \*

**[(g) AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$15,000,000.]

\* \* \* \* \*

#### TITLE IX—GENERAL PROVISIONS

\* \* \* \* \*

#### SEC. 905. FEASIBILITY REPORTS.

**[(a) In the case of any]**

*(a) PREPARATION OF REPORTS.*—

*(1) IN GENERAL.*—*In the case of any water resources project-related study authorized to be undertaken by [the Secretary, the Secretary shall] the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall perform a reconnaissance study and prepare a feasibility report, subject to section 105 of this Act. [Such feasibility report]*

(2) *CONTENTS OF FEASIBILITY REPORTS.*—A *feasibility report* shall describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered by the Secretary and the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. [The feasibility report] A *feasibility report* shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. [This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b), (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), and (4) general studies not intended to lead to recommendation of a specific water resources project.]

(3) *APPLICABILITY.*—This subsection shall not apply to—

(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

(D) general studies not intended to lead to recommendation of a specific water resources project.

(4) *FEASIBILITY REPORT DEFINED.*—In this subsection, the term “feasibility report” means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.

(b) *RECONNAISSANCE STUDIES.*—Before initiating any feasibility study under subsection (a) of this section after the date of enactment of this Act, the Secretary shall first perform, at Federal expense, a reconnaissance study of the water resources problem in order to identify potential solutions to such problem in sufficient

detail to enable the Secretary to determine whether or not planning to develop a project should proceed to the preparation of a feasibility report. Such reconnaissance study shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project, and an estimate of the costs of preparing the feasibility report. The duration of a reconnaissance study shall normally be no more than twelve months, but in all cases is to be limited to eighteen months.

(c) *PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.*—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.

[(c)] (d) *INDIAN TRIBES.*—For purposes of studies undertaken pursuant to this section, the Secretary is authorized to consider benefits which may accrue to Indian tribes as a result of a project resulting from such a study.

[(d)] (e) *STANDARD AND UNIFORM PROCEDURES AND PRACTICES.*—The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

[(e)] (f) *ENHANCED PUBLIC PARTICIPATION.*—

(1) \* \* \*

\* \* \* \* \*

#### SEC. 906. FISH AND WILDLIFE MITIGATION.

(a) \* \* \*

\* \* \* \* \*

(d) *MITIGATION PLANS AS PART OF PROJECT PROPOSALS.*—

(1) \* \* \*

\* \* \* \* \*

(3) *CONTENTS.*—A mitigation plan shall include—

(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

(C) the type, amount, and characteristics of the habitat being restored;

(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring and, to the extent practicable, the entities responsible for any monitoring.

(4) *RESPONSIBILITY FOR MONITORING.*—*In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.*

\* \* \* \* \*

#### SECTION 912. SECTION 221 AGREEMENTS.

(a) \* \* \*

(b)(1) \* \* \*

(2) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing cooperation required under subsection (a), the Secretary [shall] *may* issue an order requiring such non-Federal interest to provide such cooperation. [After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed \$10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed \$50,000.]

\* \* \* \* \*

(4) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for *payment of damages or, for any violation of an order issued under this section, [to collect a civil penalty imposed under this section,]* to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970, or to collect interest for which a non-Federal interest is liable under paragraph (3). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing businesss, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of [any civil penalty imposed under this section,] *any damages*, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

\* \* \* \* \*

#### TITLE X—PROJECT DEAUTHORIZATION

SEC. 1001. (a) \* \* \*

(b)(1) \* \* \*

(2) Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), every [two years] *year* after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the [7] 5 full fiscal years preceding the transmittal of such list. Upon submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located. A project or separable element included in such list is not authorized after the

date which is 30 months after the date the list is so transmitted if funds have not been obligated for the planning, design, or construction of such project or element during such 30-month period.

\* \* \* \* \*

# TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

\* \* \* \* \*

## SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.

(a) \* \* \*

\* \* \* \* \*

(e) PROGRAM AUTHORITY.—

(1) \* \* \*

\* \* \* \* \*

(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A)(i) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is responsible for management activities for fish and wildlife on such lands and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent. *The non-Federal interest may provide the non-Federal share of the cost of the project in the form of in-kind services and materials.*

\* \* \* \* \*

(C) *Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.*

\* \* \* \* \*

## SEC. 1149. SAULT SAINTE MARIE, MICHIGAN.

【Subject to section 903(b) of this Act, the Secretary is authorized and directed to construct a second lock 1,294 feet in length, 115 feet in width, and 32 feet in depth, adjacent to the existing lock at Sault Sainte Marie, Michigan, in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, at a total cost of \$227,428,000. The Federal and non-Federal shares of such project shall be determined in accordance with section 101, with the method of payment to be determined in accordance with the report of the Chief of Engineers.】

*The Secretary shall construct at Federal expense a second lock, of the same dimensions as the existing Poe Lock, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of \$341,714,000.*

\* \* \* \* \*

**[SEC. 1156. COST SHARING PROVISIONS FOR THE TERRITORIES.]**

【The Secretary shall waive local cost-sharing requirements up to \$200,000 for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.】

**SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN AREAS.**

(a) *IN GENERAL.*—*The Secretary shall waive local cost-sharing requirements up to \$500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community.*

(b) *USE OF FUNDS.*—*The non-Federal interest for a study or project for an area described in subsection (a) may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of such study or project if such funds are authorized to be used to carry out such study or project.*

\* \* \* \* \*

**WATER RESOURCES DEVELOPMENT ACT OF 2000**

\* \* \* \* \*

**TITLE II—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

(a) \* \* \*

(b) PROGRAM.—

(1) *IN GENERAL.*—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) \* \* \*

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or in proximity to Alaska Native villages.

\* \* \* \* \*

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) \$5,000,000 for each of fiscal years 2002 through **2006** *2010*, of which not more than \$1,000,000 may be used with respect to any 1 Indian tribe.

\* \* \* \* \*

**SEC. 214. FUNDING TO PROCESS PERMITS.**

(a) IN GENERAL.—**[In fiscal years 2001 through 2005, the]** *The* Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

\* \* \* \* \*

(c) *DURATION OF AUTHORITY.*—*The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2007.*

\* \* \* \* \*

## TITLE III—PROJECT-RELATED PROVISIONS

\* \* \* \* \*

**SEC. 315. ATCHAFALAYA BASIN, LOUISIANA.**

(a) IN GENERAL.—Notwithstanding the report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

**[(1) shall initiate, in collaboration with the State of Louisiana, construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and]**

*(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and*

\* \* \* \* \*

(b) AUTHORITIES.—The Secretary shall carry out subsection **[(a)]** (a)(2) in accordance with—

(1) \* \* \*

\* \* \* \* \*

(c) *DONATIONS.*—*In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.*

\* \* \* \* \*

## TITLE IV—STUDIES

\* \* \* \* \*

### SEC. 425. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along *Lake Michigan and the Chicago River*, Chicago, Illinois.

\* \* \* \* \*

## TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) \* \* \*

\* \* \* \* \*

(f) COST SHARING.—

(1) \* \* \*

\* \* \* \* \*

(3) NON-FEDERAL SHARE.—

(A) \* \* \*

(B) FORM.—The non-Federal interest may provide up to **[50 percent]** *100 percent* of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

\* \* \* \* \*

### SEC. 512. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified. *All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.*

\* \* \* \* \*

### SEC. 514. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified. *All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.*

\* \* \* \* \*

### SEC. 519. ILLINOIS RIVER BASIN RESTORATION.

(a) \* \* \*

\* \* \* \* \*

## (c) CRITICAL RESTORATION PROJECTS.—

(1) \* \* \*

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection \$100,000,000 for fiscal years 2001 through **[2004]** 2010.

\* \* \* \* \*

## (g) COST SHARING.—

(1) \* \* \*

\* \* \* \* \*

(3) IN-KIND SERVICES.—The Secretary may credit the value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the project or activity *if such services are provided not more than 5 years before the date of initiation of the project or activity*. In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary. The programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

\* \* \* \* \*

(h) NONPROFIT ENTITIES.—*Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), a non-Federal interest may include a nonprofit entity with the consent of the affected local government.*

(i) MONITORING.—*The Secretary shall develop an Illinois river basin monitoring program to support the plan referred to in subsection (b). Data collected under the monitoring program shall incorporate data provided by the State of Illinois and shall be publicly accessible through electronic means.*

\* \* \* \* \*

**SEC. 545. WILLAPA BAY, WASHINGTON.**

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection *and ecosystem restoration* for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington.

## (b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary **[may construct]** *shall construct* and maintain a project to provide coastal erosion protection *and ecosystem restoration* for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington, at Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection *and ecosystem restoration*;

\* \* \* \* \*

**SEC. 547. BLUESTONE, WEST VIRGINIA.**

(a) \* \* \*

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—The Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, shall enter into a binding agreement with the Tri-Cities Power Authority that contains mutually acceptable terms and conditions and under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within ~~4 years~~ 5 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) \* \* \*

\* \* \* \* \*

(iii) the redistributed costs associated with the original construction of the dam and dam safety ~~if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility~~ assurance project.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities that may arise from such design ~~and construction~~, construction, and operation and maintenance of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

\* \* \* \* \*

(3) OPERATION AND OWNERSHIP.—*The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).*

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—~~No~~ Unless otherwise provided, no Federal funds may be expended for the planning, design, construction, and operation and maintenance of the facilities referred to in subsection (a) ~~prior to the date on which such facilities are accepted by the Secretary under subsection (d)~~.

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the ~~design~~ planning, design, and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

[(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facilities by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

[(A) accept the transfer of title to such facilities on behalf of the United States; and

[(B) operate and maintain the facilities.

[(2) CERTIFICATION.—The Secretary may accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.]

(1) APPROVAL.—*The Secretary shall review the design and construction activities for all features of the hydroelectric project*

*that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.*

[(3)] (2) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility, *except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers.*

(3) COORDINATION.—*Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.*

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) [in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890)].

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, may pay, in accordance with the terms of the agreement entered into under subsection (b), out of the revenues from the sale of power produced by the generating [facility of the interconnected systems of reservoirs operated by the Secretary] *facilities under construction under such agreements* and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the [design] *planning, design* and construction of the facilities referred to in subsection (a), including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the [Secretary] *Tri-Cities Power Authority*, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating [facility of the interconnected systems of reservoirs operated by the Secretary] *facilities under construction under such agreements* and marketed by the Southeastern Power Administration, all reasonable costs incurred by the [Secretary] *Tri-Cities Power Authority* in the operation and maintenance of [facilities referred to in subsection (a)] *such facilities.*

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

[(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and]

*(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and*

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by [such facilities of the interconnected systems of reservoirs operated by the Secretary] *the generating facility* and marketed by the Southeastern Power Administration.

\* \* \* \* \*

(i) *TRI-CITIES POWER AUTHORITY DEFINED.*—In this section, the “Tri-Cities Power Authority” refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled “Second Amended and Restated Intergovernmental Agreement” approved by the Attorney General of West Virginia on February 14, 2002.

\* \* \* \* \*

## TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

### SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) \* \* \*

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) \* \* \*

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E). *The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility.*

\* \* \* \* \*

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B) *and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer*, the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of ~~[\$69,000,000]~~ *\$71,200,000*, with an estimated Federal cost of ~~[\$34,500,000]~~ *\$35,600,000* and an estimated non-Federal cost of ~~[\$34,500,000]~~ *\$35,600,000*:

(i) Caloosahatchee River (C-43) Basin ASR, at a total cost of ~~[\$6,000,000]~~ *\$8,200,000*, with an estimated Federal cost of ~~[\$3,000,000]~~ *\$4,100,000* and an

estimated non-Federal cost of **[\$3,000,000]**  
**\$4,100,000.**

\* \* \* \* \*

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection *and section (d)*.

\* \* \* \* \*

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) \* \* \*

\* \* \* \* \*

(3) *PROJECT AUTHORIZATION.*—*The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the report designated in this paragraph:*

(A) *INDIAN RIVER LAGOON SOUTH, FLORIDA.*—*The project for ecosystem restoration, water supply, flood damage reduction, and protection of water quality, Indian River Lagoon South, Florida: Report of the Chief of Engineers dated August 6, 2004, at a total cost of \$1,210,608,000, with an estimated Federal cost of \$605,304,000 and an estimated non-Federal cost of \$605,304,000.*

(e) COST SHARING.—

(1) \* \* \*

\* \* \* \* \*

(5) CREDIT.—

(A) \* \* \*

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; **[or]**

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor; *or*

(III) *the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;*

(ii) the **[design agreement or the project cooperation]** agreement prescribes the terms and conditions of the credit, *including in the case of credit provided*

*under clause (i)(III) conditions relating to design and construction; and*

\* \* \* \* \*

(k) OUTREACH AND ASSISTANCE.—

(1) \* \* \*

\* \* \* \* \*

(3) *MAXIMUM EXPENDITURES.*—*The Secretary may expend up to \$3,000,000 per fiscal year for fiscal years beginning after September 30, 2004, to carry out this subsection.*

\* \* \* \* \*

# ACT OF AUGUST 13, 1946

AN ACT Authorizing Federal participation in the cost of protecting the shores of publicly owned property.

\* \* \* \* \*

SEC. 3. The Secretary is hereby authorized to undertake construction of small shore and beach restoration and protection projects not specifically authorized by Congress, which otherwise comply with section 1 of this Act, when he finds that such work is advisable, and he is further authorized to allot from any appropriations hereafter made for civil works, not to exceed \$30,000,000 for any one fiscal year for the Federal share of the costs of construction of such projects: *Provided*, That not more than **[\$3,000,000]** *\$5,000,000* shall be allotted for this purpose for any single project and the total amount allotted shall be sufficient to complete the Federal participation in the project under this section including periodic nourishment as provided for under section 1(c) of this Act: *Provided further*, That the provisions of local cooperation specified in section 1 of this Act shall apply: *And provided further*, That the work shall be complete in itself and shall not commit the United States to any additional improvement to insure its successful operation, except for participation in periodic beach nourishment in accordance with section 1(c) of this Act, and as may result from the normal procedure applying to projects authorized after submission of survey reports.

\* \* \* \* \*

## SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of **[6 years]** *10 years* beginning on the date that funds are made available to carry out this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The erosion control program shall include provisions for—

(A) projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline

erosion control devices and methods during the first **[3 years]** *6 years* of the erosion control program;

\* \* \* \* \*

(3) *COST SHARING.*—*The Secretary may enter into a cost sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.*

(4) *REMOVAL OF PROJECTS.*—*The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.*

**[(3)]** (5) \* \* \*

\* \* \* \* \*

**[(4)]** (6) \* \* \*

\* \* \* \* \*

(e) **FUNDING.**—

(1) \* \* \*

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated **[\$21,000,000]** *\$31,000,000* to carry out this section.

\* \* \* \* \*

## SECTION 221 OF THE FLOOD CONTROL ACT OF 1970

SEC. 221. (a) After the date of enactment of this Act, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction **[under the provisions of section 215 of the Flood Control Act of 1968 or under any other]** *under any provision of law*, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army **[to furnish its required cooperation for]** *under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be*; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000. *Such agreement may include a provision for damages in the event of a failure of one or more parties to perform.* In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or

statutory limitations of the State or a political subdivision of the State.

\* \* \* \* \*

(e) *LIMITATION.*—*Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that an agreement under this section meets all requirements of law and policies of the Secretary in effect on the date of entry into the agreement.*

[(e)] (f) \* \* \*

\* \* \* \* \*

## WATER RESOURCES DEVELOPMENT ACT OF 1996

\* \* \* \* \*

## TITLE II—GENERAL PROVISIONS

\* \* \* \* \*

### SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) \* \* \*

\* \* \* \* \*

(e) *FUNDING.*—There is authorized to be appropriated to carry out this section **["\$25,000,000"]** *\$40,000,000* for each fiscal year.

\* \* \* \* \*

### SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) \* \* \*

\* \* \* \* \*

(f) *SPECIFIC PROJECTS.*—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) \* \* \*

\* \* \* \* \*

(9) *BUFFALO BAYOU, TEXAS.*—*The project for flood control, Buffalo Bayou, Texas.*

(10) *HALLS BAYOU, TEXAS.*—*The project for flood control, Halls Bayou, Texas.*

(11) *ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.*—*The project for flood damage reduction, St. Paul Downtown Airport (Holman Field), St. Paul, Minnesota.*

(12) *THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.*—*The project for flood control, Chicago Underflow Plan, Thornton Reservoir, Cook County, Illinois.*

(13) *LAROSE TO GOLDEN MEADOW, LOUISIANA.*—*The project for flood control, Larose to Golden Meadow, Louisiana.*

(14) *PERRIS, CALIFORNIA.*—*The project for flood control, Perris, California.*

\* \* \* \* \*

**SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.**

(a) \* \* \*

\* \* \* \* \*

(c) **GOVERNMENTAL PARTNERSHIPS.**—

(1) **IN GENERAL.**—*The Secretary may enter into cost sharing agreements with one or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.*

(2) **PUBLIC FINANCING.**—(A) **AGREEMENTS.**—

(i) **SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.**—*The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.*

(ii) **MANAGEMENT OF SEDIMENTS.**—*The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.*

(iii) **CREDIT.**—*The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.*

(B) **CREDIT.**—*Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acqui-*

*sition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.*

**[(c)] (d) PUBLIC-PRIVATE PARTNERSHIPS.—**

(1) **IN GENERAL.**—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation *and maintenance* of dredged material *processing, treatment, or disposal* facilities in connection with construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

**(2) PRIVATE FINANCING.—**

(A) **AGREEMENTS.**—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation *and maintenance* of a dredged material *processing, treatment, or disposal* facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

\* \* \* \* \*

## **TITLE III—PROJECT-RELATED PROVISIONS**

\* \* \* \* \*

**[SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.]**

**[(a)] IN GENERAL.**—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255), is modified as follows:

**[(1)] PAYMENT OF NON-FEDERAL SHARE.**—The non-Federal share of the cost of the project shall be paid as follows:

**[(A)]** That portion of the non-Federal share that the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

**[(B)]** The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

**[(2)] PAYMENT TERM OF ADDITIONAL PERCENTAGE.**—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

[(b) GREAT LAKES STATES DEFINED.—In this section, the term “Great Lakes States” means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.]

\* \* \* \* \*

## TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 501. LAND CONVEYANCES.

(a) \* \* \*

\* \* \* \* \*

(g) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the [city of Boardman,] *the Boardman Park and Recreation District, Boardman*, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of [such city] *the city of Boardman* currently under lease to the Boardman Park and Recreation District.

\* \* \* \* \*

### SEC. 507. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for each of the following projects if the Secretary determines that the project is feasible:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of [\$2,500,000] \$6,000,000.

\* \* \* \* \*

### SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) \* \* \*

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities[, and beneficial uses of dredged material], *beneficial uses of dredged material, and restoration of submerged aquatic vegetation*, and other related projects that may enhance the living resources of the estuary.

\* \* \* \* \*

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [\$10,000,000] \$50,000,000.

\* \* \* \* \*

**SEC. 516. SEDIMENT MANAGEMENT.**

(a) \* \* \*

\* \* \* \* \*

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) \* \* \*

(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) \$5,000,000 for each of fiscal years 2002 through [2006] 2011.

\* \* \* \* \*

**SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.**

(a) \* \* \*

\* \* \* \* \*

(b) RESTORATION ACTIVITIES.—

(1) \* \* \*

\* \* \* \* \*

(3) CRITICAL RESTORATION PROJECTS.—

(A) \* \* \*

\* \* \* \* \*

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under subparagraph (A) [\$75,000,000 for the period consisting of fiscal years 1997 through 2003] \$95,000,000.

(ii) FEDERAL SHARE.—The Federal share of the cost of carrying out any 1 project under subparagraph (A) shall be not more than [\$25,000,000] \$30,000,000.

\* \* \* \* \*

**SEC. 531. SOUTHERN AND EASTERN KENTUCKY.**

(a) \* \* \*

\* \* \* \* \*

(i) *CORPS OF ENGINEERS EXPENSES.*—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

\* \* \* \* \*

**SEC. 553. NEW YORK STATE CANAL SYSTEM.**

(a) \* \* \*

\* \* \* \* \*

[(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term “New York State Canal System” means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.]

(c) *NEW YORK STATE CANAL SYSTEM DEFINED.*—In this section, the term “New York State Canal System” means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals

*and the historic alignments of these canals, including the cities of Albany and Buffalo.*

\* \* \* \* \*

**SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

(a) **STUDY AND STRATEGY DEVELOPMENT.**—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop *and carry out* a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) \* \* \*

(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of **[\$10,000,000.] \$20,000,000**, *of which the Secretary may utilize not more than \$5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed \$500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.*

\* \* \* \* \*

(c) **[COOPERATION] COOPERATIVE AGREEMENTS.**—In conducting the study and developing *and carrying out* the strategy under this section, the Secretary shall enter into **[cooperation] cost-sharing and cooperative** agreements to provide financial assistance to appropriate Federal, State, and local government agencies and appropriate nonprofit, nongovernmental organizations with expertise in wetland restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) **IMPLEMENTATION OF STRATEGY.**—**[The Secretary]**

(1) **IN GENERAL.**—*The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to [implement] carry out the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of [implementing] carrying out recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.*

(2) **PRIORITY PROJECT.**—*In carrying out projects to implement the strategy, the Secretary shall give priority to the project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004, prepared by the Corps of Engineers and the New York State Department of Environmental Conservation.*

(e) *CREDIT.*—The Secretary shall credit toward the non-Federal share of the cost of a project under this section—

(1) *the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and*

(2) *the cost of in-kind services and materials provided for the project by the non-Federal interest.*

\* \* \* \* \*

**SEC. 575. HARRIS COUNTY, TEXAS.**

(a) *IN GENERAL.*—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed or nonstructural actions by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project or nonstructural actions, *whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency.*

(b) *SPECIFIC PROJECTS.*—The projects to which subsection (a) apply are—

(1) \* \* \*

\* \* \* \* \*

(3) *the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014); [and]*

(4) *the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742)[.]; and*

(5) *the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).*

\* \* \* \* \*

**SEC. 577. TANGIER ISLAND, VIRGINIA.**

(a) *IN GENERAL.*—The Secretary shall design and construct a breakwater at the North Channel on Tangier Island, Virginia, [at a total cost of \$1,200,000, with an estimated Federal cost of \$900,000 and an estimated non-Federal cost of \$300,000.] *at a total cost of \$3,000,000, with an estimated Federal cost of \$2,250,000 and an estimated non-Federal cost of \$750,000.*

\* \* \* \* \*

**SEC. 579. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.**

(a) \* \* \*

\* \* \* \* \*

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section **[\$47,000,000]** *\$99,000,000.*

\* \* \* \* \*

**SEC. 581. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

(a) IN GENERAL.—The Secretary may design and construct—

(1) **【flood control measures】** *structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures* in the Cheat and Tygart River basins, West Virginia, at a level of protection that is sufficient to prevent any future losses to communities in the basins from flooding such as occurred in January 1996, but not less than a 100-year level of protection *with respect to measures that incorporate levees or floodwalls*; and

\* \* \* \* \*

(b) PRIORITY COMMUNITIES.—In carrying out this section, the Secretary shall give priority to the communities of—

(1) \* \* \*

\* \* \* \* \*

(5) Patton, Barnesboro, Coalport, and Spangler, Pennsylvania, in the West Branch Susquehanna River Basin; **【and】**

(6) Bedford, Linds Crossings, and Logan Township in the Juniata River Basin**【.】**;

(7) *Etna, Pennsylvania, in the Pine Creek watershed; and*

(8) *Millvale, Pennsylvania, in the Girty's Run River basin.*

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **【\$12,000,000】** *\$90,000,000.*

\* \* \* \* \*

---

**WATER RESOURCES DEVELOPMENT ACT OF 1992**

\* \* \* \* \*

## TITLE II—GENERALLY APPLICABLE PROVISIONS

\* \* \* \* \*

**SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.**

(a) \* \* \*

\* \* \* \* \*

**【(c) COOPERATIVE AGREEMENT.**—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a binding agreement with the Secretary in which the non-Federal interests agree to—

**【(1) provide 25 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations; and**

**【(2) pay 100 percent of the operation, maintenance, replacement, and rehabilitation costs associated with the project for the protection, restoration, and creation of aquatic and ecologically related habitats.**

[(d) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project for the protection, restoration, and creation of aquatic and ecologically related habitats shall be limited solely to construction costs which are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.]

[(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).]

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed \$15,000,000 annually to carry out this section. Such sums shall remain available until expended.]

[(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.]]

(c) *IN GENERAL.*—*The Secretary may carry out projects to transport and place sediment obtained in connection with the construction, operation, or maintenance of an authorized water resources project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.*

(d) *COOPERATIVE AGREEMENT.*—*Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).*

(e) *SPECIAL RULE.*—*Construction of a project under subsection (a) for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed \$750,000 and which will be located in a disadvantaged community as determined by the Secretary, may be carried out at Federal expense.*

(f) *DETERMINATION OF CONSTRUCTION COSTS.*—*Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.*

fective way, consistent with economic, engineering, and environmental criteria.

(g) *SELECTION OF SEDIMENT DISPOSAL METHOD.*—In developing and carrying out a water resources project involving the disposal of sediment, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsections (d) and (f).

(h) *NONPROFIT ENTITIES.*—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated \$30,000,000 annually for projects under this section of which not more than \$3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

(j) *REGIONAL SEDIMENT MANAGEMENT PLANNING.*—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of sediment obtained in conjunction with the construction, operation, or maintenance of water resources projects, including potential beneficial uses of sediment for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

(k) *USE OF FUNDS.*—

(1) *NON-FEDERAL INTEREST.*—The non-Federal interest for a project described in this section may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of such project if such funds are authorized to be used to carry out such project.

(2) *OTHER FEDERAL AGENCIES.*—The non-Federal share of the cost of construction of a project under this section may be met through contributions from a Federal agency made directly to the Secretary, with the consent of the affected local government, if such funds are authorized to be used to carry out such project. Before initiating a project to which this paragraph applies, the Secretary shall enter into an agreement with a non-Federal interest in which the non-Federal interest agrees to pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project.

\* \* \* \* \*

#### **SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.**

(a) \* \* \*

\* \* \* \* \*

(c) PROJECT DESCRIPTIONS.—The projects for which the Secretary is authorized to provide assistance under subsection (a) are as follows:

(1) \* \* \*

\* \* \* \* \*

(41) WINCHESTER, KENTUCKY.—*Wastewater infrastructure, Winchester, Kentucky.*

\* \* \* \* \*

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) \* \* \*

\* \* \* \* \*

(7) \$30,000,000 for the project described in subsection (c)(16); **[and]**

(8) \$30,000,000 for the project described in subsection (c)(17)**[.]**;

(9) *\$35,000,000 for the project described in subsection (c)(18);*

(10) *\$20,000,000 for the project described in subsection (c)(20);*

(11) *\$35,000,000 for the project described in subsection (c)(23);*

(12) *\$20,000,000 for the project described in subsection (c)(25);*

(13) *\$20,000,000 for the project described in subsection (c)(26);*

(14) *\$35,000,000 for the project described in subsection (c)(27);*

(15) *\$20,000,000 for the project described in subsection (c)(28); and*

(16) *\$30,000,000 for the project described in subsection (c)(40).*

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) \* \* \*

\* \* \* \* \*

(10) EASTERN SHORE AND SOUTHWEST VIRGINIA.—**[\$20,000,000 for water supply and wastewater infrastructure]**

(A) *IN GENERAL.*—*\$20,000,000 for water supply, wastewater infrastructure, and environmental restoration projects in the counties of Accomac, Northampton, Lee, Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.*

(B) *CREDIT.*—*The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.*

(11) NORTHEAST PENNSYLVANIA.—\$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, **[and Monroe]** *Northumberland, Union, Snyder, and Montour,*

Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

(12) CALUMET REGION, INDIANA.—**[\$30,000,000]**

(A) *IN GENERAL.*—\$30,000,000 for water related infrastructure projects in the counties of Benton, Jasper, Lake, Newton, and Porter, Indiana.

(B) *CREDIT.*—*The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.*

\* \* \* \* \*

(21) BATON ROUGE, LOUISIANA.—**[\$20,000,000]** \$35,000,000 for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—**[\$25,000,000]**

(A) *IN GENERAL.*—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

(B) *CREDIT.*—*The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of provided for the project by the non-Federal interest.*

(C) *IN-KIND CONTRIBUTIONS.*—*The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.*

\* \* \* \* \*

(32) ST. LOUIS, MISSOURI.—**[\$15,000,000]** \$35,000,000 for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri.

\* \* \* \* \*

(48) CAMBRIA, CALIFORNIA.—**[\$10,300,000]**

(A) *IN GENERAL.*—\$10,300,000 for desalination infrastructure, Cambria, California.

(B) *CREDIT.*—*The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed \$3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.*

\* \* \* \* \*

(61) GARRISON AND KATHIO [TOWNSHIP] TOWNSHIP AND CROW WING AND MILLE LACS COUNTIES, MINNESOTA.—**[\$11,000,000]** \$17,000,000 for a wastewater infrastructure project for the city of Garrison, Crow Wing County, Mille Lacs County, and Kathio Township, Minnesota. *Such assistance shall be provided di-*

*rectly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.*

\* \* \* \* \*

(64) STANLY COUNTY, NORTH CAROLINA.—\$8,900,000 for *water and wastewater infrastructure*, Stanly County, North Carolina.

\* \* \* \* \*

(66) ALLEGHENY COUNTY, PENNSYLVANIA.—**[\$20,000,000]**

(A) *IN GENERAL.*—\$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

(B) *CREDIT.*—*The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.*

\* \* \* \* \*

### **TITLE III—MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

#### **SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(g) AUTHORIZATION AND ALLOCATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$180,000,000]** \$200,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

\* \* \* \* \*

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) \* \* \*

(2) SOUTH CENTRAL PENNSYLVANIA.—The term “south central Pennsylvania” means **[Allegheny, Armstrong, Bedford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties]** *Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties*, Pennsylvania.

\* \* \* \* \*

#### **SEC. 324. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

(a) *IN GENERAL.*—The Secretary is authorized to provide **[design]** *planning, design*, and construction assistance to the **[Hackensack Meadowlands Development Commission of the State of New Jersey for the development of the Phase I Environmental Improvement Program of the Special Area Management Plan for]** *New Jersey Meadowlands Commission for the development of an environ-*

*mental improvement program for the Hackensack Meadowlands area, New Jersey.*

(b) **[REQUIRED] ELEMENTS.**—The program to be developed under subsection (a) **[shall]** *may* include at a minimum the following areas:

**[(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.]**

*(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.*

*(2) Development and implementation of a regional system to protect, preserve, and monitor wetlands and aquatic habitat.*

\* \* \* \* \*

**[(7) Research and development for a water quality improvement program.]**

*(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.*

(c) **COST SHARING.**—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. *The non-Federal sponsor may also provide in-kind services, not to exceed the non-Federal share of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a).* Operation and maintenance cost shall be 100 percent non-Federal.

(d) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated to carry out this section **[\$5,000,000]** *\$35,000,000* for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

**[SEC. 325. LAND EXCHANGE, ALLATOONA LAKE, GEORGIA.**

**[(a) IN GENERAL.**—The Secretary may initiate a program to exchange lands above 863 feet in elevation which are excess to the operational needs of Allatoona Lake, Georgia, for lands on the north side of Allatoona Lake which are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

**[(b) TERMS AND CONDITIONS.**—Land exchanges under the program to be conducted under subsection (a) shall be subject to the following terms and conditions:

**[(1) Lands acquired under the program must be contiguous to the lands in Federal Government ownership on the date of the enactment of this Act.**

**[(2) Lands acquired under the program shall be from willing sellers only.**

**[(3) The basis for all land exchanges under the program shall be a fair market appraisal so that lands exchanged are of equal value.]**

\* \* \* \* \*

**SEC. 340. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(f) **SOUTHERN WEST VIRGINIA DEFINED.**—For purposes of this section, the term “Southern West Virginia” means Raleigh, Wayne, Cabell, Fayette, Lincoln, Summers, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, Nicholas, and Monroe Counties, West Virginia.

\* \* \* \* \*

(h) **CORPS OF ENGINEERS.**—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) **NONPROFIT ENTITIES.**—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

\* \* \* \* \*

**TITLE IV—INFRASTRUCTURE TECHNOLOGY, RESEARCH AND DEVELOPMENT**

\* \* \* \* \*

**SEC. 404. ATLANTIC COAST OF NEW YORK.**

(a) **DEVELOPMENT OF PROGRAM.**—The Secretary is authorized and directed to develop a data collection and monitoring program of coastal [processes] and related environmental processes for the Atlantic Coast (and associated back bays) of New York, from Coney Island to Montauk Point, with a view toward providing information necessary to develop a program for addressing post storm actions, environmental restoration or conservation measures for coastal and back bays, and long-term shoreline erosion control. The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.

(b) **INITIAL PLAN.**—Not later than 12 months after the date of the enactment of this Act, the] **ANNUAL REPORTS.**—The Secretary shall provide an [initial plan for data collection and monitoring] annual report of data collection and monitoring activities to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. [Such initial plan shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.]

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,400,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997, [and an additional total of \$2,500,000 for fiscal years thereafter] \$2,500,000 for fiscal years 2000 through 2004, and \$7,500,000 for fiscal years beginning after September 30, 2004, to carry out this section. Such sums shall remain available until expended.

(d) *TSUNAMI WARNING SYSTEM.*—*There is authorized to be appropriated \$800,000 for the Secretary to carry out a project for a tsunami warning system, Atlantic Coast of New York.*

\* \* \* \* \*

## SECTION 145 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1976

【SEC. 145. The Secretary of the Army, acting through the Chief of Engineers, is authorized upon request of the State, to place on the beaches of such State beach-quality sand which has been dredged in construction and maintaining navigation inlets and channels adjacent to such beaches, if the Secretary deems such action to be in the public interest and upon payment by such State of 35 percent of the increased cost thereof above the cost required for alternative methods of disposing of such sand. At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place sand on the beaches of the political subdivision of the State under the same terms and conditions required in the first sentence of this section; except that the political subdivision shall be responsible for providing any payments required under such sentence in lieu of the State. In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of the requesting State, for providing its share of funds for placing such sand on the beaches of the State or the political subdivision and shall, to the maximum extent practicable, accommodate such schedule.】

## WATER RESOURCES DEVELOPMENT ACT OF 1999

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) \* \* \*

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

\* \* \* \* \*

### TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

【Sec. 557. Northern West Virginia.】

*Sec. 557. Kentucky and Northern West Virginia.*

\* \* \* \* \*

\* \* \* \* \*

## TITLE I—WATER RESOURCES PROJECTS

\* \* \* \* \*

### SEC. 102. SMALL FLOOD CONTROL PROJECTS.

(a) \* \* \*

(b) FESTUS AND CRYSTAL CITY, MISSOURI.—

(1) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Festus and Crystal City, Missouri, is ~~[\$10,000,000]~~ \$12,000,000.

\* \* \* \* \*

## TITLE II—GENERAL PROVISIONS

\* \* \* \* \*

### SEC. 212. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

(a) \* \* \*

\* \* \* \* \*

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine appropriate locations, including—

(1) \* \* \*

\* \* \* \* \*

(23) Lincoln Creek, Wisconsin; ~~and~~

\* \* \* \* \*

(27) Susquehanna River watershed, Bradford County, Pennsylvania; ~~and~~

(28) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas~~and~~;

(29) *Ascension Parish, Louisiana;*

(30) *East Baton Rouge Parish, Louisiana;*

(31) *Iberville Parish, Louisiana;*

(32) *Livingston Parish, Louisiana; and*

(33) *Pointe Coupee Parish, Louisiana.*

\* \* \* \* \*

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this ~~section~~—

~~[(A) \$20,000,000 for fiscal year 2001;~~

~~[(B) \$30,000,000 for fiscal year 2002; and~~

~~[(C) \$50,000,000 for each of fiscal years 2003 through 2005] section \$20,000,000.~~

\* \* \* \* \*

### SEC. 225. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—~~During~~ fiscal years 1999 through 2002, the ~~The~~ Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of ~~[\$34,000,000]~~ \$42,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l–6a(b)).

\* \* \* \* \*

(3) AVAILABILITY.—The amounts withheld shall remain available until [September 30, 2005] *expended*.

\* \* \* \* \*

### TITLE III—PROJECT-RELATED PROVISIONS

\* \* \* \* \*

#### SEC. 310. BREVARD COUNTY, FLORIDA.

(a) \* \* \*

\* \* \* \* \*

(d) *CREDIT*.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.

\* \* \* \* \*

#### SEC. 328. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

(a) IN GENERAL.—The project to prevent flood damage and for hurricane damage reduction, west bank of the Mississippi River (east of Harvey Canal), Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128) and section 101(a)(17) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to direct the Secretary to continue Federal [operation and maintenance] *operation, maintenance, rehabilitation, repair, and replacement* of the portion of the project included in the report of the Chief of Engineers dated May 1, 1995, referred to as “[Algiers Channel] *Algiers Canal Levees*”.

\* \* \* \* \*

(c) *COST SHARING*.—The non-Federal share of the cost of the project shall be 35 percent.

\* \* \* \* \*

#### [SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

[The project for navigation Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) and modified by section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717), is further modified to provide that the amount to be paid by non-Federal interests under section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and section 330(a) of the Water Resources Development Act of 1996 shall not include any interest payments.]

\* \* \* \* \*

#### [SEC. 374. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

[(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act

of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following amounts of project storage: Beaver Lake, 1.5 feet; Table Rock, 2 feet; Bull Shoals Lake, 5 feet; Norfolk Lake, 3.5 feet; and Greers Ferry Lake, 3 feet.

[(b) REPORT.—

[(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until completion of a final report by the Chief of Engineers finding that the work is technically sound, environmentally acceptable, and economically justified.

[(2) TIMING.—The Secretary shall submit the report to Congress not later than July 30, 2000.

[(3) CONTENTS.—The report shall include determinations concerning whether—

[(A) the modification under subsection (a) adversely affects other authorized project purposes; and

[(B) Federal costs will be incurred in connection with the modification.]

\* \* \* \* \*

## TITLE IV—STUDIES

\* \* \* \* \*

### SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

(a) \* \* \*

\* \* \* \* \*

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ~~[\$400,000]~~ \$475,000.

\* \* \* \* \*

### SEC. 455. JOHN GLENN GREAT LAKES BASIN PROGRAM.

(a) \* \* \*

\* \* \* \* \*

(g) *IN-KIND CONTRIBUTIONS FOR STUDY.*—*The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of in-kind services and materials.*

\* \* \* \* \*

### SEC. 459. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

(a) \* \* \*

\* \* \* \* \*

(e) REPORT.—Not later than ~~[3 years after the first date on which funds are appropriated to carry out this section]~~ *December 30, 2006*, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the

Committee on Environment and Public Works of the Senate a report that includes the plan under subsection (a).

\* \* \* \* \*

## TITLE V—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

### SEC. 504. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) \* \* \*

(2) Kehly Run **[Dams]** *Dams No. 1–5*, Pennsylvania.

\* \* \* \* \*

### SEC. 514. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) \* \* \*

\* \* \* \* \*

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out this section \$30,000,000 for the period of fiscal years 2003 **[and 2004]** *through 2015*.

\* \* \* \* \*

### SEC. 517. EXPEDITED CONSIDERATION OF CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports for the following projects and, if justified, proceed directly to project preconstruction, engineering, and design:

(1) \* \* \*

\* \* \* \* \*

**[(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.]**

*(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.*

\* \* \* \* \*

### SEC. 557. KENTUCKY AND NORTHERN WEST VIRGINIA.

The projects described in the following reports are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the reports, and subject to a **[favorable]** report of the Chief of Engineers:

(1) \* \* \*

\* \* \* \* \*

*(4) LOUISVILLE, KENTUCKY.—Report of the Corps of Engineers entitled “Louisville Waterfront Park, Phase II, Kentucky, Master Plan”, dated July 22, 2002, at a total cost of \$32,000,000, with an estimated Federal cost of \$16,000,000 and an estimated non-Federal cost of \$16,000,000.*

\* \* \* \* \*

**SEC. 569. NORTHEASTERN MINNESOTA.**

(a) DEFINITION OF NORTHEASTERN MINNESOTA.—In this section, the term “northeastern Minnesota” means the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, [Benton, Sherburne,] *Beltrami, Hubbard, Wadena*, Isanti, and Chisago, Minnesota.

\* \* \* \* \*

**(e) LOCAL COOPERATION AGREEMENT.—**

(1) \* \* \*

\* \* \* \* \*

**(3) COST SHARING.—**

(A) \* \* \*

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. [The credit for the design work shall not exceed 6 percent of the total construction costs of the project.]

\* \* \* \* \*

[(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.]

(g) *NONPROFIT ENTITIES.*—*Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.*

\* \* \* \* \*

(i) *CORPS OF ENGINEERS EXPENSES.*—*Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

**SEC. 570. ALASKA.**

(a) \* \* \*

\* \* \* \* \*

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Alaska, including projects for wastewater treatment and related facilities, water supply and related facilities, *environmental restoration*, and surface water resource protection and development.

\* \* \* \* \*

**(e) LOCAL COOPERATION AGREEMENTS.—**

(1) \* \* \*

\* \* \* \* \*

**(3) COST SHARING.—**

(A) \* \* \*

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. **【The credit for the design work shall not exceed 6 percent of the total construction costs of the project.】**

\* \* \* \* \*

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **【\$25,000,000】** ~~\$45,000,000~~ for the period beginning with fiscal year 2000, to remain available until expended.

(i) *NONPROFIT ENTITIES.*—*Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.*

(j) *CORPS OF ENGINEERS EXPENSES.*—*Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

#### **SEC. 571. CENTRAL WEST VIRGINIA.**

(a) DEFINITION OF CENTRAL WEST VIRGINIA.—In this section, the term “central West Virginia” means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, **【Nicholas,】** Braxton, **【Gilmer,】** Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

\* \* \* \* \*

(i) *NONPROFIT ENTITIES.*—*Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.*

(j) *CORPS OF ENGINEERS EXPENSES.*—*Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

\* \* \* \* \*

#### **SEC. 573. ONONDAGA LAKE, NEW YORK.**

(a) \* \* \*

\* \* \* \* \*

(f) *NONPROFIT ENTITIES.*—*Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.*

**【(f)】** (g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **【\$10,000,000】** ~~\$30,000,000~~.

**【(g)】** (h) REPEAL.—Title IV of the Great Lakes Critical Programs Act of 1990 (104 Stat. 3010) and section 411 of the Water Resources Development Act of 1990 (104 Stat. 4648) are repealed effective on the date that is 1 year after the date of enactment of this Act.

\* \* \* \* \*

**SEC. 593. CENTRAL NEW MEXICO.**

(a) \* \* \*

\* \* \* \* \*

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **【\$25,000,000】** *\$40,000,000* for the period beginning with fiscal year 2000, to remain available until expended.

(i) *CORPS OF ENGINEERS EXPENSES.*—*Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

**SEC. 594. OHIO.**

(a) \* \* \*

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of **【design and construction】** *planning, design, and construction* assistance for water-related environmental infrastructure and resource protection and development projects in Ohio, including projects for—

(1) \* \* \*

\* \* \* \* \*

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **【\$60,000,000】** *\$100,000,000*.

(h) *NONPROFIT ENTITIES.*—*Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.*

\* \* \* \* \*

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**SECTION 309 OF THE DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 1992**

(Public Law 102-154)

SEC. 309. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, *the Secretary of the Army*, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

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**SECTION 22 OF THE WATER RESOURCES DEVELOPMENT  
ACT OF 1974**
SEC. 22. **【(a) The Secretary】** (a) *FEDERAL STATE COOPERATION.*—

(1) *COMPREHENSIVE PLANS.*—*The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State and to submit to*

Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) *TECHNICAL ASSISTANCE.*—

(A) *IN GENERAL.*—*At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.*

(B) *TYPES OF ASSISTANCE.*—*Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.*

(b) *FEES.*—

(1) *ESTABLISHMENT AND COLLECTION.*—For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to [this section] *subsection (a)(1)*, the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under [this section] *subsection (a)(1)*.

(2) *IN-KIND SERVICES.* [Up to ½ of the] *The non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.*

(3) *DEPOSIT AND USE.*—Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled “Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)” and shall be available until expended to carry out this section.

(c) [There is] *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *FEDERAL AND STATE COOPERATION.*—There is authorized to be appropriated not to exceed \$10,000,000 annually to carry out [the provisions of this section] *subsection (a)(1)*, except that not more than [\$500,000] \$1,000,000 shall be expended in any one year in any one State.

(2) *TECHNICAL ASSISTANCE.*—*There is authorized to be appropriated \$5,000,000 annually to carry out subsection (a)(2), of which not more than \$2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.*

(d) *ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.*—*Concurrent with the President’s submission to Congress of the President’s request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.*

[(d)] (e) For the purposes of this section the term “State” means the several States of the United States, Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

## SECTION 205 OF THE FLOOD CONTROL ACT OF 1948

SEC. 205. That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed ~~【\$50,000,000】~~ \$60,000,000 for any one fiscal year, for the implementation of small structural and non-structural projects for flood control and related purposes not specifically authorized by Congress, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable. The amount allotted for a project shall be sufficient to complete Federal participation in the project. Not more than \$7,000,000 shall be allotted under this section for a project at any single locality. The Provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.

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## SECTION 4 OF THE ACT OF DECEMBER 22, 1944

AN ACT Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

SEC. 4. The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army, to permit the construction of such facilities by local interests (particularly those to be operated and maintained by such interests), and to permit the maintenance and operation of such facilities by local interests. The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest: *Provided*, That leases to nonprofit organizations for park or recreational purposes may be granted at reduced or nominal considerations in recognition of the public service to be rendered in utilizing the leased premises: *Provided further*, That preference shall be given to *federally-recognized Indian tribes and* Federal, State, or local governmental agencies, and licenses or leases where appropriate, may be granted without monetary considerations, to such *Indian tribes or* agencies for the use of all or any portion of a project area for any public purpose, when the Secretary of the Army determines such action to be in the public interest, and for such periods of time and upon such conditions as he may find advisable: *And provided further*, That in any such lease or license to a *federally-recognized Indian tribe* Federal, State, or local governmental agency which involves lands to be utilized for the development and conservation of fish and wildlife, forests, and other natural resources, the licensee or lessee may be authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, mainte-

nance, and utilization of such lands. Any balance of proceeds not so utilized shall be paid to the United States at such time or times as the Secretary of the Army may determine appropriate. The water areas of all such projects shall be open to public use generally for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such areas along the shores of such projects shall be maintained for general public use, when such is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary, including but not limited to prohibitions of dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind at such water resource development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers. Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both. Any persons charged with the violation of such rules and regulations may be tried and sentenced in accordance with the provisions of section 3401 of title 18 of the United States Code. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of the regulations adopted by the Secretary of the Army, requiring the appearance of any person charged with violation to appear before the United States magistrate, within whose jurisdiction the water resource development project is located, for trial; and upon sworn information of any competent person any United States magistrate in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said regulations. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received by the United States for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts.

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## **ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004**

An Act Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes

(Public Law 108–137)

### **TITLE I**

#### **DEPARTMENT OF DEFENSE—CIVIL**

##### **DEPARTMENT OF THE ARMY**

\* \* \* \* \*

##### **GENERAL PROVISIONS**

\* \* \* \* \*

【SEC. 123. GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND. The Secretary of the Army shall implement the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report prepared by the Corps of Engineers and the City of Baltimore, Maryland.】

\* \* \* \* \*

SEC. 128. AMERICAN RIVER WATERSHED, CALIFORNIA. (a) \* \* \*

\* \* \* \* \*

(c) *DAM SAFETY MODIFICATIONS AT L.L. ANDERSON DAM.—In determining improvements for dam safety that are necessary at the L.L. Anderson Dam, the Secretary shall consider the without-project condition to be the dam as it existed on December 1, 2003.*

(d) *COST ALLOCATION.—In allocating costs for the project authorized in subsection (a), the Secretary shall use the project cost allocations for flood damage reduction and dam safety that are contained in the American River Watershed, California, long-term study final supplemental plan formulation report dated February 2002.*

\* \* \* \* \*

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## WATER RESOURCES DEVELOPMENT ACT OF 1990

\* \* \* \* \*

## TITLE I—WATER RESOURCES PROJECTS

\* \* \* \* \*

### SEC. 107. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

(a) GENERAL RULE.—Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986, the following projects shall remain authorized to be carried out by the Secretary:

(1) \* \* \*

\* \* \* \* \*

【(8) SAULT SAINTE MARIE, MICHIGAN.—The second lock for Sault Sainte Marie, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–55); except that the Secretary shall conduct, not later than 180 days after the date of the enactment of this Act and after providing an opportunity for notice and comment, an analysis of the projected total tonnage of commercial cargo which will be delivered by vessels using such lock to or from ports in Canada and the States of Minnesota, Wisconsin, Indiana, Illinois, Michigan, Ohio, Pennsylvania, and New York. Such analysis shall be based on the Secretary's estimate, using current traffic statistics.】

\* \* \* \* \*

## TITLE IV—MISCELLANEOUS PROVISIONS

### SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

(a) \* \* \*

\* \* \* \* \*

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for each of fiscal years 2001 through [2006] 2011.

\* \* \* \* \*

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### WATER RESOURCES DEVELOPMENT ACT OF 1988

\* \* \* \* \*

#### SEC. 21. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

(a) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary is directed to maintain water levels in the Mississippi River headwaters reservoirs within the following operating limits: Winnibigoshish 1296.94 feet—1303.14 feet; Leech 1293.20 feet—1297.94 feet; Pokegama 1270.42 feet—[1276.42] 1278.42 feet; Sandy 1214.31 feet—[1218.31] 1221.31 feet; Pine 1227.32 feet—[1234.82] 1235.30 feet; and Gull 1192.75 feet—1194.75 feet. Such water levels shall be measured using the National Geodetic Vertical Datum.

[(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with a contingency plan which the Secretary develops after consulting with the Governor of Minnesota and affected landowners and commercial and recreational users. The Secretary shall transmit such plan to Congress within 6 months after the date of the enactment of this Act. The Secretary shall report to Congress at least 14 days prior to operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a).]

(b) EXCEPTION.—*The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the draw-down of lake levels is in anticipation of flood control operations.*

\* \* \* \* \*

**SEC. 30. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

(a) \* \* \*

\* \* \* \* \*

[(d) **HISTORIC STRUCTURE.**—The Secretary shall ensure the preservation and restoration of the structure known as the ‘Jenkins House’ located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.]

(d) *HISTORIC STRUCTURE.*—*The Secretary shall ensure the preservation and restoration of the structure known as the “Jenkins House”, and the reconstruction of associated buildings and landscape features of such structure located within the Lesage/Greenbottom Swamp in accordance with the Secretary of the Interior’s standards for the treatment of historic properties. Amounts made available for expenditure for the project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110) shall be available for the purposes of this subsection.*

\* \* \* \* \*

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**SECTION 6009 OF THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005**
**[OFFSHORE OIL AND GAS FABRICATION PORTS**

[SEC. 6009. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.]

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**MISCELLANEOUS APPROPRIATIONS ACT, 2001**

(Division B of H.R. 5666 as introduced on December 15, 2000 and enacted into law by section 1(a)(4) of Public Law 106–554)

\* \* \* \* \*

**DIVISION B****TITLE I**

\* \* \* \* \*

**SEC. 109. FLORIDA KEYS WATER QUALITY IMPROVEMENTS. (a)**  
\* \* \*

\* \* \* \* \*

(e) **NON-FEDERAL SHARE.**—

(1) \* \* \*

(2) **CREDIT.**—

(A) \* \* \*

\* \* \* \* \*

(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.

\* \* \* \* \*  
SEC. 111. PERCHLORATE. (a) \* \* \*

\* \* \* \* \*  
(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary ~~["\$25,000,000"]~~ \$28,000,000, of which not to exceed \$8,000,000 shall be available to carry out subsection (b)(1), not to exceed \$3,000,000 shall be available to carry out subsection (b)(2), and not to exceed ~~["\$7,000,000"]~~ \$10,000,000 shall be available to carry out subsection (b)(3).

\* \* \* \* \*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
Washington, DC, June 22, 2005.

Hon. DON YOUNG,  
Chairman, Committee on Transportation and Infrastructure,  
Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 2864, the Water Resources Development Act of 2005, as ordered reported by the Committee on Transportation and Infrastructure, and believe that the Committee on Resources has a substantial jurisdictional interest in several provisions of this bill.

Recognizing the importance of this major piece of legislation and the hard work you and your staff have put into it, I will forego seeking a sequential referral of H.R. 2864. Waiving the Committee on Resources' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 2864 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on Resources represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter and your response in the report on H.R. 2864 when it is filed.

I appreciate your leadership on this bill and I look forward to working with you on H.R. 2864.

Sincerely,

RICHARD W. POMBO,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC, June 23, 2005.*

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources,  
Longworth Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of June 22, 2005, regarding H.R. 2864, the Water Resources Development Act of 2005, and for your willingness to waive consideration of the provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that waiving consideration of these provisions does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2864 or similar legislation, and will support your request for conferees on such provisions. .

As you request, your letter and this response will be included in the Committee report on the legislation.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,  
*Chairman.*

○